

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 31st October 1935.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

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| Reddi Nayudu, <i>Kt.</i> , The Hon. Rai Bahadur Sir K. V. | Natesa Mudaliyar, Diwan Bahadur O. Palat, Mr. R. M. |
| Pannirselvam, The Hon. Rao Bahadur A. T. | Parthasarathi Ayyangar, Mr. C. R. |
| Souter, <i>c.s.i.</i> , <i>i.c.s.</i> , The Hon. Mr. C. A. | Patnaik Mahasayo, Sriman M. G. |
| Bracken, <i>c.s.i.</i> , <i>c.i.e.</i> , <i>i.c.s.</i> , The Hon. Mr. G. T. H. | Patro, <i>k.c.i.e.</i> , Rac Bahadur Sir A. P. |
| Raja of Bobbili, <i>k.c.i.e.</i> , The Hon. the Rajan, The Hon. Mr. P. T. | Pattagar of Palayakottai, The. |
| Kumaraswami Reddiyar, The Hon. Diwan Bahadur S. | Peddi Raju, Mr. P. |
| Abdul Hameed Khan Sahib Bahadur. | Pocker Sahib Bahadur, B. |
| Annamalai Chettiyar, Mr. S. A. A. | Premayya, Mr. G. R. |
| Appadurai Pillai, Diwan Bahadur A. | Rajagopala Pillai, Mr. P. V. |
| Ari Gowder, Mr. H. B. | Rajd of Parlakimedi, The. |
| Basheer Ahmed Sayeed Sahib Bahadur. | Ramachandra Padayachi, Mr. P. K. |
| Basu Dev, Mr. C. | Ramalinga Reddi, Mr. C. |
| Beyabani Sahib Bahadur, S. M. K. | Ramakrishna Reddi, Mr. A. |
| Boag, <i>c.i.e.</i> , <i>i.c.s.</i> , Mr. G. T. | Ramalingam Chettiyar, Diwan Bahadur T. A. |
| Bhanoji Rao, Sri A. V. | Ramamurti, Rao Sahib Pandit Ganala. |
| Devadasan, Mr. M. | Raman Menon, Mr. K. P. |
| Dharmalingam Pillai, Rao Sahib V. | Ramaswami Ayyar, Mr. T. S. |
| Duraiswami Reddiyar, Mr. K. M. | Ramaswami Mudaliyar, Mr. V. M. |
| Jagannatham, Mr. H. M. | Rameswara Rao, Mr. G. |
| Jayaram Nayudu, Rao Sahib C. | Ranganatha Mudaliyar, Mr. A. |
| Jones, <i>i.c.s.</i> , Mr. C. E. | Ranganatha Mudaliyar, Mr. G. |
| Kesavaramamurti Nayudu, Mr. K. | Rangaswami Reddi, Mr. M. B. |
| Khalif-ullah Sahib Bahadur, Khan Bahadur P. | Ratnavelu Thevar, Mr. P. |
| Koti Reddi, Mr. K. | Reid, Mr. D. M. |
| Krishnayya Choudari, Mr. P. V. | Rukmani Lakshmipathi, Mrs. A. |
| Krishnamurti, Rao Bahadur D. | Russell, <i>i.c.s.</i> , Mr. T. B. |
| Kumararaja of Venkatagiri, The. | Sandana Gounder, Mr. I. |
| Kuppuswami Choudari, Mr. J. | Schammad Sahib Bahadur, Khan Bahadur Mahmud. |
| Langley, Mr. W. K. M. | Scott Brown, <i>i.c.s.</i> , Mr. W. |
| Madanagopal Nayudu, Mr. R. | Shetty, Mr. A. B. |
| Mahboob Ali Baig Sahib Bahadur. | Sinhachalam Pantulu, Mr. G. |
| Manikkavelu Nayakar, Mr. M. A. | Siva Raj, Rao Sahib N. |
| Moidoo Sahib Bahadur, Khan Bahadur T. M. | Smith, Mr. J. M. |
| Muhammad Meera Ravuttar Bahadur, K. P. V. S. | Sreshta, Mr. M. S. |
| Muniswami Pillai, Rao Sahib V. I. | Srinivasan, Rao Bahadur R. |
| Murugappa Chettiyar, Diwan Bahadur A. M. M. | Sriramulu, Mr. G. |
| Muthiah Chettiyar, Mr. M. A. | Subbarayan, Dr. P. |
| Muthu Chettiyar, Rao Bahadur P. C. | Subrahmanya Bhatt, Mr. U. C. |
| Nachiyappa Gounder, Mr. K. A. | Surudara Rao Nayudu, Mr. T. |
| Nadimuthu Pillai, Mr. A. Pl. N. V. | Syed Tajuddin Sahib Bahadur, Khan Sahib. |
| Nanjappa Bahadur, Subadar-Major S. A. | Thangal, Mr. P. M. |
| Narasa Reddi, Mr. T. | Thomas, Mr. Daniel. |
| Narasimhaswami, Rao Sahib D. V. | Uzielli, <i>c.i.e.</i> , <i>i.c.s.</i> , Mr. H. R. |
| Narayanan Nambiyar, Mr. V. P. | Vasudeva Pillai, Mr. V. G. |
| | Vedachala Mudaliyar, Mr. M. |
| | Venugopal Nayudu, Rao Bahadur R. K. |
| | Wright, Sir William. |
| | Yakub Hasan Sahib Bahadur. |
| | Zamindar of Bodinayakkanur, The. |
| | Zamindar of Kirlampudi, The. |

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I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Civil Law

Reasons for the omission of certain appendices from the Special Officer's Report on Agricultural Indebtedness.

* 321 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state the reasons for omitting certain appendices from the published report of the Special Officer on Agricultural Indebtedness?

A.—When the report was printed the appendices had not been received. The Government have since received the appendices and have decided, on an examination of them, that it is not essential to print them. Further the expenditure involved will be very heavy.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government are prepared to place, at least now, the appendices on the table of the House, so that the House may be benefited by them? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I have no objection to show them to the hon. Member.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ I am also concerned about other Members of the House.”

The Hon. Sir K. V. REDDI NAYUDU:—“ Any hon. Member who wants to see them will be at liberty to look into them.”

Electricity

Consumption of electricity in the municipal areas of Erode and Salem respectively.

* 322 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) what the quantity of electric current consumed in each of the municipal areas of Erode and Salem in each month since January 1935 is; and

(b) what the quantity consumed is in the corresponding months of 1934, 1933 and 1932?

A.—(a) & (b) A statement^a giving the information required is attached.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether the statement given in the appendix is with regard to the total number of consumers, or the number of units consumed? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The hon. Member will find the information from the wording used in the horizontal headings, i.e., total consumers, etc.”

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Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the heading ' number of consumers ' is a mistake for the number of units that has been consumed? "

The Hon. Sir K. V. REDDI NAYUDU:—" It is consumers; I do not think it is a mistake."

Progress of the scheme for the electrification of Tiruchengodu, Salem district.

* 323 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) at what stage the electrification of the town of Tiruchengodu in Salem district is;

(b) whether it is a fact that a draft agreement has been obtained from the local panchayat in this behalf, and, if so, whether a copy of it will be placed on the table;

(c) when the work is likely to be undertaken;

(d) what the estimated cost is; and

(e) when the actual supply of current will be made to that town?

A.—(a) The town is in the area of supply of Messrs. The Salem-Erode Electricity Distribution Company. The Chief Engineer for Electricity has reported that the licensees have been negotiating with the local panchayat board for the supply of electricity to the town.

(b), (c), (d) & (e) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—" The answer was sent on 10th August 1935. May I ask, Sir, whether the Hon. Member can furnish further information on the matter if any since received? "

The Hon. Sir K. V. REDDI NAYUDU:—" The hon. Member can ask for it."

Mr. K. A. NACHIYAPPA GOUNDER:—" Will the Hon. Member be pleased to state whether it is a fact that the licensees in that area have told the local panchayat that it is not likely that they would undertake the scheme because it will not adequately pay them? "

The Hon. Sir K. V. REDDI NAYUDU:—" We have no information."

Progress of the scheme for the electrification of Sankari, Salem district.

* 324 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) at what stage the electrification of the town of Sankari in Salem district is;

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(b) whether it is a fact that a draft agreement has been obtained from the local panchayat in this behalf and, if so, whether a copy of it will be placed on the table;

(c) when the work is likely to be undertaken; and

(d) what the estimated cost is and when it is to be completed and the actual supply made to the town?

A.—(a) The town is in the area of supply of Messrs. The Salem-Erode Electricity Distribution Company. The Chief Engineer for Electricity has reported that the licensees have been negotiating with the local panchayat board for the supply of electricity to the town.

(b), (c) & (d) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether any definite information can be furnished now, as the answer was sent long ago? May I know at what stage the matter now is? "

The Hon. Sir K. V. REDDI NAYUDU:—" Negotiations are going on between the consumers and the licensees."

Mr. K. A. NACHIYAPPA GOUNDER:—" Have they reached any definite stage? "

The Hon. Sir K. V. REDDI NAYUDU:—" I am not aware."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will the Government enquire whether these companies are progressing properly or not? "

The Hon. Sir K. V. REDDI NAYUDU:—" There are conditions in these licences. The Government will take care to see that these conditions are properly observed."

*Progress of the scheme for the electrification of Edappadi,
Salem district.*

* 325 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) at what stage the electrification of the town of Edappadi in Salem district is;

(b) whether it is a fact that a draft agreement has been obtained from the local panchayat in this behalf; if so, whether a copy of it will be placed on the table; and

(c) when the work is to be undertaken; what the estimated cost is of the work and when will the actual supply of current be available in the town?

A.—(a) The town is in the area of supply of Messrs. The Salem-Erode Electricity Distribution Company. The Chief Engineer for Electricity has reported that the licensees have been negotiating with the local panchayat board for the supply of electricity to the town.

(b) & (c) The Government have no information.

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Mr. K. A. NACHİYAPPA GOUNDER:—" Will the Hon. Member be pleased to state whether the company is not willing to take the distribution of energy to these towns as its period of contract has sufficiently advanced and states that it is not desirable for them to incur much by way of capital expenditure. And if so, will the Government see their way to have the distribution made by themselves? "

The Hon. Sir K. V. REDDI NAYUDU:—" There is no information so far as the first part of the question is concerned and the second part does not arise."

Progress of the scheme for the electrification of Musiri, Turaiyur, Namakkal and Rasipur.

* 326 Q.—Mr. K. A. NACHİYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) at what stage the electrification of the town of Musiri, Turaiyur, etc., in Trichinopoly district, and Namakkal, Rasipur, etc., in Salem district is;

(b) whether the agreement has been approved in this case;

(c) whether a copy of the agreement will be placed on the table;

(d) when the work is to be undertaken; and

(e) what the estimated cost is, and when the actual supply of current is made to each of these towns in this scheme?

A.—(a) A line connecting Kattuputhur, Musiri and Kulittalai with a possible extension to Turaiyur in the Trichinopoly district and an extension of the 22 K.V. line to reach Rasipuram and Namakkal in the Salem district are under contemplation. A load survey has been made and the reports are under scrutiny by the Chief Engineer for Electricity.

(b) No agreements have been executed by any of the local bodies concerned.

(c) Does not arise.

(d) & (e) The scrutiny of the schemes by the Chief Engineer is not completed. If they are found to be paying their inclusion in the Chief Engineer's proposals for next year will be considered.

Mr. K. A. NACHİYAPPA GOUNDER:—" May I know whether in this case the Government are proposing to have the distribution made by themselves or are contemplating to give it to any private company? "

The Hon. Sir K. V. REDDI NAYUDU:—" As at present advised, the Government would try to introduce it themselves, wherever possible."

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Forests

Alleged irregularity on the part of the District Forest Officer in the Mudumalai forest range bribery case.

* 327 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) whether there was a case of bribery some two years back in Mudumalai forest range of the Nilgiri district;

(b) how many persons were involved in the case;

(c) what the specific charges against each individual concerned are;

(d) whether the bribery case was proved and, if so, what action has been taken against the briber and the persons concerned;

(e) whether the District Forest Officer delayed the submission of the appeals of the accused in this case, against his orders to the Conservator of Forests; if so, what are the reasons for such delay;

(f) whether the memorial submitted to the Government by the accused regarding the unnecessary delay made by the District Forest Officer in submitting the appeals was withheld by the Chief Conservator of Forests, and, if so, on what grounds; and

(g) whether the appeals have been finally disposed of, when and in what way?

A.—(a) Yes. It was a case rather of extortion.

(b) Nine.

(c) The specific charges framed and proved against each individual were as follows:—

Serial number and name.	Charges.
1 Ranger, K. P. Benjamin ..	(i) Hushing up a case of shooting in reserved forest. (ii) Receiving illegal gratification for hushing up the shooting case. (iii) Breach of trust in holding an improper enquiry into a complaint connected with the case and deliberately misleading the District Forest Officer in connexion therewith. (iv) Writing a false diary and drawing travelling allowance on a false claim. (v) Conspiring with clerks of the District Forest Office and with members of the public to conceal official information from the District Forest Officer and to stay the course of justice.
2 Aruldoss Pillai, forester.	(i) Joining with other subordinates and extracting a bribe from the accused in a forest offence and receiving a portion of the bribe money for his own use. (ii) Hushing up the forest offence which should have been reported to the District Forest Officer and illegally returning seizures to the accused. (iii) Giving a false statement when the Range Officer enquired into the bribery complaint and writing a false diary for 21st August 1932, the date of the forest offence, with a view to deceive superiors and stay the course of justice.
3 A. Gopal Nayar forest guard	(i) Making false statement with a view to hush up a forest offence and a case of bribery. (ii) Receiving an illegal gratification for assisting to hush up the case.

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Serial number and name.	Charges.
4 V. Achutha Nayar, forest guard.	(i) Joining with other subordinates in extracting a bribe from the accused in a forest offence which was then hushed up. (ii) Making false statement in a departmental enquiry by the Range Officer, Mudumalai.
5 J. J. Pakianathan, acting Accountant, District Forest Office.	(i) Leaving his jurisdiction without permission. (ii) Divulging official information to the public. (iii) Gross misconduct and breach of trust in discussing with the public and in endeavouring to settle behind the District Forest Officer's back a charge of bribery laid against Government servants which was awaiting orders by the District Forest Officer. (iv) Endeavouring to influence the District Forest Officer's action by preparing an office-note in the case in such a way as to help the person who laid the charge and attending the District Forest Officer's enquiry with the same object.
6 V. Maruthachalam Pillai, typist, District Forest Office.	(i) Leaving the jurisdiction without permission. (ii) Divulging official information to the public. (iii) Gross misconduct and breach of trust in discussing with the public and in endeavouring to settle behind the back of the District Forest Officer a charge of bribery laid against Government servants, which was awaiting orders of the District Forest Officer.
7 Daniel Kodan, clerk, District Forest Office.	(i) Leaving his jurisdiction without permission. (ii) Abetment of concealing bribery case from the head of his office.
8 M. Subramaniam, range clerk, Mudumalai Range.	(i) Joining with other subordinates and extracting a bribe from the accused in a forest offence which was then hushed up and receiving a portion of bribe money for his own use.
9 Thukarama Rao, acting second range clerk, Mudumalai.	(i) Conspiring with other subordinates to hush up a case of illicit shooting. (ii) Receiving a bribe in connexion with the case. (iii) Giving a false statement in a departmental enquiry.

(d) Yes. No action was taken against the person from whom the gratification was taken presumably because it was extorted. All the accused were punished according to the gravity of their offences. Seven of them were in the first instance dismissed.

(e) Yes, in some cases. The delay was due to pressure of other urgent work and the voluminous records of the case.

(f) Yes. The memorial was withheld under Rule XV (2) of the Memorial Rules.

(g) Five of the nine accused appealed against the orders of the District Forest Officer. One appeal is pending with the Government. The remaining four appeals have been disposed of, one in October 1934 and three in March 1935. Three appeals were dismissed and in one appeal the order of dismissal was reduced to one of suspension.

Mr. K. A. NACHIYAPPA GOUNDER:—"It is stated in the answer that the delay was due to pressure of other work. May I ask, Sir, how long it was delayed?"

The Hon. Sir K. V. REDDI NAYUDU:—"I cannot say off-hand."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, which of the cases have been disposed of and which are the cases that are pending?"

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The Hon. Sir K. V. REDDI NAYUDU:—"I cannot say off-hand. I shall be very glad to give the information to the hon. Member."

Prisons and Prisoners

Resolution passed by the public of Tinnevely recommending Mr. Devanayagayya, to be placed in the 'B' class.

* 328 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state—

(a) whether the Government have received a copy of a resolution passed by the public of Tinnevely at a meeting requesting the Government to change the class of Mr. S. A. Devanayagayya, Member, Tamil Nadu Congress Committee, now a prisoner in the Trichinopoly Central Jail, from C to B class; if so, on what grounds was the recommendation made; and what the reply of the Government was; and

(b) whether it is a fact that he has been keeping ill-health?

A.—(a) Yes. It was urged that a change in the class was necessary in the interest of justice and humanity. The Government saw no reason to classify the prisoner in "B" class.

(b) The Government have no information.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Will the Government call for information regarding the present state of health of Mr. Devanayagayya?"

The Hon. Sir K. V. REDDI NAYUDU:—"I have no objection."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Will the Government consider it an act of kindness to see that the classification of this prisoner is changed?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is not a question of any kindness. It is a question of the observance of the rules."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Kindness in view of the fact that the present state of health of the prisoner is not satisfactory?"

The Hon. Sir K. V. REDDI NAYUDU:—"If his present state of health is really not satisfactory, that matter will be considered."

Irrigation

Proposals for the improvement of irrigation sources in Malabar and South Kanara.

* 329 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have called for proposals from the Collectors of Malabar and South Kanara for the improvement of irrigation sources in those districts;

(b) whether the Government have approved of any minor irrigation schemes in the two districts and, if so, what they are and what the amounts sanctioned for them are;

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(c) whether the grant received from the Government of India for the development of minor irrigation is not available to undertake works calculated to provide better facilities for the utilization of natural sources of supply of water for irrigation purposes; and

(d) whether proposals to undertake such works have been called for or received from the Collectors of South Kanara and Malabar?

A.—The attention of the hon. Member is invited to the answers given to question No. 216 and the supplementary questions thereunder on the 10th August 1935, and also to the answer to question No. 293. In submitting proposals for the selection of works to be included in the special accelerated and widespread programme of improvements to minor works of irrigation to be financed from the sum of Rs. 50 lakhs set apart for the purpose on a 3-year plan, the Board of Revenue observed that the scheme did not benefit the districts of South Kanara, Malabar and the Nilgiris as there were no irrigation works in those districts, and asked the Collectors of those districts to suggest schemes, if any, for providing employment for the rural population in their districts. Proposals were submitted by the Collectors concerned to the Board of Revenue which examined them and concluded that there were no schemes suitable for inclusion in the programme. Subsequently the Collector of South Kanara suggested that though there were no irrigation works in his district, other public works such as roads, bridges, etc., might be undertaken, but the proposal was not accepted by Government as the funds earmarked for the special programme could not be utilized for other purposes.

Mr. A. B. SHETTY:—"It is stated in the answer that there were no schemes suitable for inclusion in the programme. May I know what proposals were submitted in the first instance by the Collector of South Kanara?"

The Hon. Mr. C. A. SOUTER:—"I think I should clarify the position as regards the sum of Rs. 50 lakhs. I should like the House to understand definitely that the sum is to be spent on improvements and repairs to the existing works of irrigation. New irrigation works cannot be financed from this sum of Rs. 50 lakhs. Any schemes outside the programme of improvements or repairs to the existing irrigation works cannot be considered in connexion with this grant. I may say at once that if any other schemes are feasible on other grounds for which other money may be spent, I am willing to consider them."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I ask whether the Hon. Member will be pleased to tell us whether the Collector or the Landholders' Association or the district board or the municipality or any other body has reported to the Government that there are any schemes for South Kanara which can be financed out of this money?"

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The Hon. Mr. C. A. SOUTER:—" I think my answer to the previous question covers this too."

Belated supply of water to Tanjore from the Mettur Reservoir.

* 330 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Tanjore District Delta Mirasidars' and Landowners' Association made urgent representations to the Collector and the Superintending Engineer about the precarious condition of crops due to insufficient supply of water;

(b) whether it is a fact that the Public Works Department authorities announced to open the Mettur Dam on the 1st of June 1935;

(c) whether it is a fact that water was let down from the Mettur Dam only on the morning of the 22nd July 1935 and what the delay is due to; and

(d) whether it is a fact that on account of failure to let down water in due time the irrigated fields have got dried up resulting in serious loss to landowners?

A.—(a) Yes.

(b) No.

(c) No. Water was let down from 12th June 1935. That was four days earlier than the date fixed in rule 2 of the draft rules published with G.O. No. 2671 I., dated 6th December 1933.

(d) There has been a reduction in the supply of water for irrigation in the Tanjore delta this season, as the storage in the reservoir at the beginning of the season was very low and slips in the revetment of the low-level channel on three different occasions necessitated a reduction in supply for about seven days. The Chief Engineer for Irrigation who toured in the delta from the 2nd to the 6th August 1935 in that connexion has reported as follows:—

" From the impression I formed during the tour, I am of opinion that in the portion of the delta south of Mayavaram, no appreciable damage has been done to the kuruvai crops, kuruvai seedlings or samba seedlings, except postponement of the kuruvai transplantation by about four to seven days in the lower reaches. At the tail end portions of the delta to the north of Mayavaram and east of railway line, a portion of the kuruvai seedlings would have withered and it was to hasten up the transplantation here that special steps were taken to force down water to the Cauvery lower reaches and the Palavar."

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Mrs. A. RUKMANI LAKSHMIPATHI:—" May I ask whether the information published by the Mirasidars' and Land-owners' Association in their journal that water was let down only on the morning of the 22nd July 1935 is wrong? "

The Hon. Mr. C. A. SOUTER:—" If *The Mirasidar* made that statement, I am afraid it was misinformed."

Mrs. A. RUKMANI LAKSHMIPATHI:—" Does the Hon. Member mean that such a responsible journal as that of the Mirasidars and Land-owners made such a misstatement of facts? "

The Hon. Mr. C. A. SOUTER:—" I understand that water was let down as stated here. Then there was an interval and again water was let down afterwards."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether water from the Mettur dam was let down on 12th June 1935 to all the lands which are supposed to be irrigated in the Tanjore district? "

The Hon. Mr. C. A. SOUTER:—" I want notice of that."

Mr. K. A. NACHIYAPPA GOUNDER:—" When letting down or stopping water, may I ask, Sir, whether the requirements of the Tanjore district alone were taken into consideration and not those of the Trichinopoly and Salem districts? "

Failure of the guaranteed quantity of water-supply to Tanjore.

* 331 Q.—Mr. V. NADIMUTHU PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether he has received representations from the mirasidars of the Tanjore district complaining about the inadequate supply of water and the consequent loss of kuruvai seedlings;

(b) whether any enquiry has been made in respect of such complaints;

(c) whether the Government intend taking any action thereupon to avoid such recurrence in future;

(d) whether it is a fact that the guaranteed supply of water has not been given from the 15th of July to the mirasidars in the Tanjore district; and if so, why; and

(e) whether complaints have been received about the same and, if so, what action the Government propose to take thereon?

A.—(a) to (e) Yes. A copy of the reply ^a sent to the Tanjore District Delta Mirasidars' and Landowners' Association is placed on the table.

Irregular and inadequate supply of water to the old deltaic area in Tanjore.

* 332 Q.—Mr. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any representations have been received from the mirasidars of Tanjore district, complaining about the inadequate and

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irregular supply of water for cultivation during the months of June and July and the consequent loss of kuruvai seedlings and whether any enquiry has been made in respect of such complaints;

(b) the cause of such inadequate and irregular supply of water when the ryots of Tanjore have been assured by the Government of steady and regular supply of water for cultivation after the construction of the Mettur Dam; and

(c) whether it is a fact that even the available water in the Cauvery has been let down in the Mettur Project canals in the new project area of the Tanjore district to the detriment of the old deltaic area in the district; if so, the reasons for the same?

A.—(a) & (b) The attention of the Hon. Member is invited to the answer to question No. 331.

(c) No.

Inadequate and irregular supply of water to Tanjore.

* 333 Q.—MR. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the guaranteed supply of water has not been given from the 15th of July to the mirasidars in the Tanjore district;

(b) if the answer to (a) is in the affirmative, the reasons for the same;

(c) whether any representations have been received from the mirasidars of the Tanjore district complaining about the inadequate supply of water and the consequent loss of kuruvai seedlings;

(d) whether any enquiry has been made in respect of such complaints; and

(e) if the answer to clauses (c) and (d) be in the affirmative, what steps the Government propose to take to prevent a recurrence in the future?

A.—(a) to (e) The attention of the hon. Member is invited to the answer to question No. 331.

Complaints against the raising of the sill-levels in the feeder channels in the Tanjore district.

* 334 Q.—MR. V. NADIMUTHU PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether he has received complaints about the raising of the sill-levels in the feeder channels in the Tanjore district consequent upon the remodelling system; and

(b) what action the Government have taken in the said matter?

A.—(a) Yes.

(b) An extract from the report of the Chief Engineer (Irrigation) on the subject is placed on the table of the House.^a The Government do not consider that any further action is called for in the matter.

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Complaints against the raising of the sill-levels in the feeder channels in Tanjore.

* 335 Q.—Mr. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have received complaints about the raising of the sill-levels in the feeder channels in the Tanjore district consequent upon the remodelling system;

(b) what action they have taken in the said matter; and

(c) whether they have issued instructions to the Department of Public Works authorities to lower the sill-levels in cases of suffering?

A.—(a), (b) & (c) Attention of the hon. Member is invited to the answer to question No. 334.

Complaints against the raising of the sill-levels in the feeder channels in Tanjore.

* 336 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any complaints have been received against the raising of the sill-levels in the feeder channels in the Tanjore district consequent upon the remodelling system; and

(b) if the answer to (a) be in the affirmative, whether any action has been taken in the matter?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 334.

Landlords and Tenants

Fee leviable for transmission of the notice of transfer to the landholder under section 145 (2) of the Madras Estates Land Act, 1908.

* 337 Q.—Sriman M. G. PATNAIK Mahasayo: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any publication regarding the fee for transmission of the notice to the landholder prescribed in section 145 (2) of the Madras Estates Land Act, as amended by Madras Act VIII of 1934, was made by Government; and

(b) if not, why not?

A.—(a) Yes. The attention of the hon. Member is invited to the Law (General) Department Notification No. 451, dated 2nd May 1935, published at page 903 of Part I of the Fort St. George Gazette, dated the 18th June 1935.

(b) Does not arise.

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Land Revenue Administration*Representations against the enhancement of water-rates in Tiruturaipundi and Mannargudi.*

* 338 Q.—Mr. V. NADIMUTHU PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether he has received any representations from the mirasidars of Tiruturaipundi and Mannargudi taluks praying that the enhancement of water-rates owing to the reclassification of irrigation sources be postponed on account of the defective drainage system in the said taluks; and

(b) if so, whether the Government will be pleased to place on the table all the representations received so far and the action taken by the Government?

A.—(a) The Government have received several representations on the subject.

(b) The Government have exempted irrigation sources from reclassification wherever it was reported that the lands suffered from drainage difficulties. No useful purpose will be served by placing the representations on the table of the House.

Decision of the Government to restrict the operation of the Madras Agriculturists' Loans (Amendment) Act, 1935, to certain districts.

* 339 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Government propose to restrict the operation of the Madras Agricultural Loans (Amendment) Act, 1935, to certain districts, in the Presidency of Madras;

(b) if so, what the districts selected by the Local Government are for that purpose;

(c) what the special reasons are for selecting those districts; and

(d) which of the districts in the Presidency are heavily indebted?

A.—(a) to (c) The Government do not propose to restrict the operation of the Agriculturists' Loans (Madras Amendment) Act, 1935, to any particular district. It is proposed as an experimental measure to start the work in two divisions in the Presidency, viz., the Chingleput division of the Chingleput district, and the Rajahmundry division of the East Godavari district. These areas are considered the most suitable for the experimental working of the scheme.

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- (d) The attention of the hon. Member is invited to Chapter IV of the report of the Special Officer on Agricultural Indebtedness, which has been placed at the disposal of the Press in G.O. No. 2942, Law (General), dated 12th September 1935. The Government are not in a position to state the exact extent of indebtedness in each district.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask why the Guntur district was not selected for conducting the experiment, especially as Mr. Strathie, who is the Collector now, was Registrar of Co-operative Societies for a very long time? "

The Hon Mr. C. A. SOUTER:—" I think, Sir, that the hon. Member should just have a little patience. The case of Guntur also will be considered shortly. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, on what basis the suitability of these areas selected was fixed? "

The Hon. Mr. C. A. SOUTER:—" The suitability was fixed on the report from Mr. Gopalaswami Ayyangar, Member, Board of Revenue, who visited these places and several other places and after his visit he considered that for experimental purposes these two divisions were the most suitable. "

Mr. K. A. NACHIYAPPA GOUNDER:—" How long will the experiment continue and when will the provisions of the Act be applied to other districts? "

The Hon. Mr. C. A. SOUTER:—" I think I informed the House yesterday that I am unable to give an exact answer to that question. All I can say is the Government's intention is to extend the benefit of this amending Act to the whole of the Presidency as soon as they possibly can. "

Mr. G. R. PREMAYYA:—" With regard to answer (b), may I know whether the Government would not get information from the Special Officer with regard to the indebtedness of the Guntur district? I gather from the report that Guntur is heavily indebted. "

The Hon. Mr. C. A. SOUTER:—" We have no information here. The information we have is from what the Special Officer has reported. He has given us only the total indebtedness in the Presidency. I suggest to the hon. Member that he should write to Mr. Sathianathan and ask him whether he has got any figures for the Guntur district. "

Mr. G. R. PREMAYYA:—" Cannot the Government find out from any other source whether Guntur is heavily indebted or not? "

The Hon. Mr. C. A. SOUTER:—" I do not think so. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, why the report of the Special Officer has not been supplied to the Members of this House as yet, though it has been placed at the disposal of the Press on 12th September 1935? "

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The Hon. Mr. C. A. SOUTER :—“ There is no objection, Sir, to supply the hon. Member with a copy. My Hon. Colleague says that it has been supplied to Members.”

Mr. K. A. NACHIYAPPA GOUNDER :—“ We have not received copies.”

The Hon. Mr. C. A. SOUTER :—“ I shall see that every Member gets a copy.”

Mr. K. A. NACHIYAPPA GOUNDER :—“ In answer to clause (d), it is stated, Sir, that the Government are not in a position to state the exact extent of indebtedness in each district. May I know, Sir, whether the Government are not preparing such figures? ”

The Hon. Mr. C. A. SOUTER :—“ No, Sir.”

Alleged attempt to close the foot and cart-tracks leading up the Kadri Hill, South Kanara.

* 340 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that there are some mamul foot and cart-tracks leading from the public road on the Kadri Hill, northwards to the warg lands in Kadri village;

(b) whether it is a fact that the Collector of South Kanara is attempting to close the said public mamul ways; if so, for what purpose and under what right; and

(c) what action the Government have taken or propose to take in the matter?

A.—The Government have no information but have called for a report.

Mr. U. C. SUBRAHMANYA BHATT :—“ May I know whether the information has since been received? ”

The Hon. Mr. C. A. SOUTER :—“ No, Sir.”

Mr. U. C. SUBRAHMANYA BHATT :—“ Will the Hon. Member be pleased to place the information on the table of the House, when received? ”

The Hon. Mr. C. A. SOUTER :—“ I shall consider it after I have seen it.”

Proposal to build a church and provide a cemetery on the Kadri Hill.

* 341 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(a) whether there is any proposal to build a church on the Kadri Hill above the Kadri temple and Kadri Mutt, Mangalore, near the cement concrete cross now put up by the Bishop of Mangalore and whether the Bishop or anybody else has made an application for grant of land for the same;

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(b) whether the Collector has given his sanction for the construction of the same;

(c) whether a cemetery is also going to be attached to the said church; if so, whether the Government are satisfied that the health of the people down below and the purity of the water of the tanks below will not be jeopardised; and

(d) whether the Collector has consulted the opinion of the temple and math authorities and of the Hindu public in the neighbourhood before according sanction, if any, or granting lands for the same?

A.—The Government have no information but have called for a report.

Mr. U. C. SUBRAHMANYA BHATT:—" May I ask whether the information has been received since? "

The Hon. Mr. C. A. SOUTER:—" No, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—" Will the Hon. Member be pleased to place the information on the table of the House, when received? "

The Hon. Mr. C. A. SOUTER:—" The answer is the same as for the last question, viz., that the question will be considered after seeing the report."

Public Service

Recommendation of the Lee Commission to increase the number of listed posts of District Judges by two.

* 342 Q.—MAHBOOB ALI BAIG SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Lee Commission recommended an increase in the number of listed posts of District Judges by two more appointments; and

(b) if so, whether the Government have given effect to the said recommendations; if not, why not?

A.—The Lee Commission made no specific recommendation as to the number of posts of District and Sessions Judges that should be 'listed.' They merely recommended that 20 per cent of the recruits to the Indian Civil Service cadre should be obtained by promotion from the Provincial Civil Services. The number of posts of District and Sessions Judges that should be 'listed' to give effect to this recommendation have already been 'listed.'

MAHBOOB ALI BAIG SAHIB Bahadur:—" May I know when the recommendations were given effect to? "

The Hon. Mr. C. A. SOUTER:—" Notice, Sir."

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Representation of the Jain community in the public services.

* 343 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state whether there are any proposals before the Government to give adequate representation to the Jain community in the public services of this Province?

A.—No.

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know whether the Hon. the Revenue Member is aware that in South Kanara there is a large body of very influential Jain people who are neither Brahmans nor non-Brahmans according to strict rules of classification, and if so, whether he would consider if any direction should be given for these people being given adequate representation? ”

The Hon. Mr. C. A. SOUTER:—“ I am not prepared, Sir, to give separate representation to any particular community like this.”

Mr. U. C. SUBRAHMANYA BHATT:—“ I did not mean separate representation; I said that direction might be given for special consideration being shown to these people in making appointments.”

The Hon. Mr. C. A. SOUTER:—“ I am very averse from giving directions to the Public Services Commission.”

Commerce*Measures for the total prohibition of the import of foreign paddy and rice into the Presidency.*

* 344 Q.—Rai Sahib C. KOLANDA REDDI: Will the Hon. the Member for Finance be pleased to state—

(a) whether it has been brought to his notice that there are heavy imports of paddy, rice and broken rice into this Presidency;

(b) whether it is a fact that the low import duty on broken rice has had no deterrent effect;

(c) whether it is a fact that heavy increase in imports of paddy and rice is only recent and that it has affected the paddy price in local markets a great deal; and

(d) what steps the Local Government have taken or propose to take to impress upon the Government of India the necessity and the urgency of entire prohibition of all imports of foreign paddy and rice (broken or whole)?

A.—(a) There were heavy imports during 1934-35 but the imports in 1935-36 have decreased considerably.

(b) The duty on broken rice appears to have arrested the increase of import.

(c) The answer to the first part of the question is in the affirmative, but the imports during the current year do not appear to have been so far large enough to affect appreciably the prices of local products.

(d) The Government are watching the situation and will take steps when necessary.

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Reforms

Facilities to the Legislative Council for the discussion of the proposals of the Delimitation Committee.

* 345 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Finance be pleased to state whether the Government propose to give an opportunity to the Council for the discussion of the Delimitation Committee's proposals?

A.—Yes.

Elections to the provincial legislatures.

* 346 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Finance be pleased to state—

(a) at what stage the proposals for the preparation of electoral rolls and the conduct of elections to the provincial legislatures are; and

(b) when the elections are likely to come up and be completed?

A.—(a) Such preliminary steps as are possible for the preparation of provisional electoral rolls have been taken.

(b) No decision has yet been arrived at.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, when the preliminary electoral rolls will be completed with a view to make them final, for the coming elections?"

The Hon. Mr. G. T. H. BRACKEN:—"The dates have not yet been settled and we are ourselves awaiting the final decision of the Government of India."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I at least know the month in which these rolls may be expected to be prepared?"

The Hon. Mr. G. T. H. BRACKEN:—"I am afraid I know no more than the hon. Member."

Local Self-Government

Number of panchayats at work in each district.

* 347 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the number is of panchayats now working in each district;

(b) how many district panchayat officers have been employed in each district; and

(c) how many assistant panchayat officers are or are proposed to be employed in each district?

A.—(a) A statement^a is appended.

(b) One district panchayat officer has been employed in each local fund district excluding East Tanjore.

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- (c) The attention of the hon. Member is invited to the Appendix to G.O. No. 2216, L. & M., dated the 11th June 1935, which was placed on the table with the answer to clause (a) of question No. 61 delivered on 6th August 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—"In the answer to clause (b), I find that district panchayat officers have been appointed to all districts excluding East Tanjore. May I know what are the reasons for not making an appointment in that district?"

The Hon. the RAJA OF BOBBILI:—"The candidate who was appointed declined the appointment."

Mr. K. A. NACHIYAPPA GOUNDER:—"In the case of appointment of assistant panchayat officers, may I know whether they are appointed on the basis of the number of panchayats in a district or on any other principle?"

The Hon. the RAJA OF BOBBILI:—"Generally the basis is the number of panchayats."

Mr. K. A. NACHIYAPPA GOUNDER:—"In the district of North Arcot I find that the number of panchayats is much greater than in Salem district; may I know, Sir, why the number of assistant panchayat officers appointed to that district is less than those appointed to Salem if the appointments are made on the basis of the number of panchayats."

The Hon. the RAJA OF BOBBILI:—"Perhaps the difference in their size has been also taken into account."

Representation of Vanniyakula or Agnikula Kshatriyas in the cadre of panchayat officers and assistant panchayat officers.

* 348 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the names of all the district panchayat officers appointed till now, the communities to which they belong and the stations to which they have been posted;

(b) the names of all the assistant panchayat officers appointed till now, the communities to which they belong and the places where they are working; and

(c) the number of Vanniyakula Kshatriyas or Agnikula Kshatriyas appointed as district or assistant panchayat officers in the Presidency till now?

A.—(a) A statement ^a is appended.

(b) The appointments of assistant panchayat officers are being made by the presidents of district boards concerned and Government have no information about them on the points mentioned.

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(c) The Vanniyakula Kshatriya or Agnikula Kshatriya is a sub-sect of the Non-Brahman (Hindu) community and the total number of the Non-Brahmans now working as district panchayat officers is 20.

Subadar-Major S. A. NANJAPPA Bahadur:—"I see that no Vanniyakula Kshatriya has been given any appointment throughout the Presidency. May I know why it is so?"

The Hon. the RAJA OF BOBBILI:—"Vanniyakula Kshatriyas are classified among non-Brahmans. So far, the Inspector has not sent names of any of them to the Government."

Subadar-Major S. A. NANJAPPA Bahadur:—"May I know whether any deputation waited on the Chief Minister to urge on him the claims of these Vanniyakula Kshatriyas to be appointed to these posts of panchayat officers?"

The Hon. the RAJA OF BOBBILI:—"I have received deputations from many backward communities. When future vacancies arise, I shall ask the Inspector to bear in mind the claims of all the backward communities."

Mr. M. A. MANIKKAVELU NAYAKAR:—"No doubt this community is a sub-sect of the non-Brahman community; but is it a fair attitude for the Government to say that no communal justice should be shown to this community on that score?"

The Hon. the RAJA OF BOBBILI:—"I do not follow what the hon. Member means; Government consider that no injustice has been done to any community."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether the Hon. Minister is aware that this community is a predominant community and that it should be given proper representation in the services?"

The Hon. the RAJA OF BOBBILI:—"The Government believe that all backward communities should be encouraged; but it will not be found possible by definite rules to give representation to all the numerous backward communities."

Appointment of Indian Christians and the members of the depressed classes as district panchayat officers.

* 349 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) how many district panchayat officers have been appointed since 12th March 1935;

(b) what communities they belong to;

(c) whether applications were received from Indian Christians and depressed classes for the posts of district panchayat officers;

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- (d) how many of them have been appointed; and
 (e) how many of them were rejected and whether the orders were communicated to them?

A.—(a) Four.

(b) Non-Brahman (Hindu)—3.

Indian Christian—1.

(The Indian Christian declined the appointment.)

(c), (d) & (e) Under the regulations governing the service of district panchayat officers, recommendations for appointments to the service are being made by the Inspector of Municipal Councils and Local Boards who receives applications. Government have therefore no information on the points referred to in these clauses.

Mr. M. DEVADASAN:—“ Out of four applicants for appointment, one was a Christian. Was any Christian appointed in the place of the Christian who declined the appointment? ”

The Hon. the RAJA OF BOBBILI:—“ That vacancy has not yet been filled up.”

Mr. G. R. PREMAYYA:—“ May I know on what grounds he resigned or declined to accept the appointment? ”

The Hon. the RAJA OF BOBBILI:—“ I have not seen the letter myself, but probably he declined for personal reasons; he preferred to practise at the bar, I suppose.”

Mr. M. DEVADASAN:—“ I find that Government have got information in regard to clauses (a) and (b) of the question, while they have no information with regard to clauses (c) to (e). May I know why they have not obtained information in regard to (c) to (e) when they obtained information in regard to (a) and (b)? ”

The Hon. the RAJA OF BOBBILI:—“ We got the information about appointments made since 12th March 1935 and about the communities to which the persons appointed belonged; but the other information is not available.”

B. POCKER SAHIB Bahadur:—“ How many more vacancies are there of district panchayat officers yet to be filled up? ”

The Hon. the RAJA OF BOBBILI:—“ Only one which has been caused by a candidate who was selected having declined the appointment. That is in regard to East Tanjore.”

B. POCKER SAHIB Bahadur:—“ Are not the services of more district panchayat officers required to satisfy the needs of the districts? ”

The Hon. the RAJA OF BOBBILI:—“ At present there is no intention of increasing the number of posts.”

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Communal representation in the cadre of assistant panchayat officers.

* 350 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the total number of the assistant panchayat officers that are working in the province is; and

(b) to what communities they belong?

A.—(a) & (b) Of a total number of thirty-seven assistant panchayat officers sanctioned to district boards (vide Annexure to G.O. No. 2216, L. & M., dated the 11th June 1935, appended to the answer to question No. 61 delivered on 6th August 1935), the post sanctioned to the Nilgiris District Board has since been kept in abeyance as there is at present no work for an officer in that district. The appointments to these posts vest in the presidents of district boards concerned and Government have no information as to the number of the officers actually working now, or the communities to which they belong.

Mr. M. DEVADASAN:—"The answer says that 'appointment to these posts vests in the presidents of district boards' and therefore the Government have no information. Will the Government call for the information in view of the fact that the Government have undertaken to observe communal rotation in regard to services under the local boards?"

The Hon. the RAJA OF BOBBILI:—"It is not possible for Government to obtain information in regard to all classes of appointments made by the presidents of district boards and local boards. I may also state that in regard to assistant panchayat officers, a good many of the posts recently sanctioned are being filled by men who are already in the service of the district boards and those occupying posts of rural reconstruction officers in panchayat areas, etc."

B. POCKER SAHIB Bahadur:—"Is the principle of these communal Government Order applicable to these appointments?"

The Hon. the RAJA OF BOBBILI:—"As far as the officers are concerned, the communal Government Order is not being applied."

Duties of district panchayat officers.

* 351 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the work assigned to the district panchayat officers is;

(b) whether a copy of the order assigning work to them will be placed on the table;

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- (c) under whom are they to work;
- (d) whether it is a fact that they are given other work also by the presidents of district boards, which is quite outside their purview;
- (e) whether any complaint or reference has been made by any of the district panchayat officers in this behalf; and
- (f) if so, from whom and in what way they have been disposed of?

A.—(a) The various items of work assigned to the district panchayat officers relate to—

- (i) Organization and supervision of panchayat boards;
- (ii) Enquiry into the defects, maladministration, etc., of panchayat boards and guidance in all matters pertaining to their general administration; and
- (iii) Conduct of elections to panchayat boards.

(b) The Government have not issued any orders defining the duties of these officers beyond stating that they were to guide and supervise the work of panchayats on the spot. A copy^a of G.O. No. 3139, L. & M., dated the 9th August 1932, is laid on the table.

(c) District panchayat officers are working under the immediate supervision of the Inspector of Municipal Councils and Local Boards subject to the control of the Local Government.

(d), (e) & (f) The Inspector of Municipal Councils and Local Boards who was consulted in the matter reports that district panchayat officers are not given by presidents of district boards, work outside their legitimate sphere and that no complaint or reference had been made so far by any of the district panchayat officers in this behalf.

Mr. K. A. NACHAYAPPA GOUNDER:—"May I know, Sir, whether it is not possible to define the duties of panchayat officers in clear terms so that they may be helpful in promoting the better supervision of the panchayats?"

The Hon. the RAJA OF BOBBILI:—"From the experience so far gained, the present position is quite clear. There seems to be no need to further define their duties."

Mr. K. A. NACHAYAPPA GOUNDER:—"May I know, Sir, what duties are assigned to the assistant panchayat officers who have been recently appointed?"

The Hon. the RAJA OF BOBBILI:—"The assistant panchayat officers generally assist the district panchayat officers."

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Municipalities to which the appointment of Commissioners is still due.

* 352 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the municipalities are for which Commissioners have not so far been appointed;

(b) what the income and population are of each of these municipalities; and

(c) whether there are proposals for the appointment of Commissioners for these and, if so, when?

A.—(a) & (b) A statement ^a is appended.

(c) Yes; the appointments will be made in due course.

Appointment of a Commissioner to the Vizagapatam Municipality.

* 353 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether a Commissioner has been appointed to the Vizagapatam Municipality;

(b) if so, when, and whether a copy of the order of appointment will be placed on the table;

(c) who the person appointed is, what his qualifications, pay, scale of pay and allowances are;

(d) what the previous post held by him is and also the pay and scale of pay drawn by him; and

(e) what the reasons are for postponing the appointment for such a long time?

A.—(a) Yes.

(b) The Commissioner was appointed last month. A copy of G.O. No. 3655, L. & M., dated the 9th September 1935, is placed on the table.^b

(c) M.R.Ry. K. Sanyasi Raju Garu who was appointed to the post on a salary of Rs. 400 per mensem in the scale of Rs. 300—25—500, with a conveyance allowance of Rs. 40 per mensem subject to the maintenance of a motor car, is a Graduate in Arts and in Law.

(d) The substantive post held by him before his appointment as Commissioner was that of Secretary of the Vizagapatam District Board and he was drawing Rs. 400 in the scale of Rs. 300—25—500 attached to that post.

(e) The attention of the hon. Member is invited to the answers to the supplementary questions on his question No. 981 delivered on 22nd March 1935. The appointment was kept unfilled pending the return of Mr. Sanyasi Raju from his special duty as Personal Assistant to the ex officio President of the Bobbili District Board.

^a Printed as Appendix VII on page 328 infra.

^b Printed as Appendix VIII on pages 328-329 infra.

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Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, why the appointment of a Commissioner to this municipality was delayed till the last month?"

The Hon. the RAJA OF BOBBILI:—" If the hon. Member will please refer to the answer to clause (e), he will find out the reason."

Reversion of the hands lent by the Revenue Department for employment as Commissioners of Municipalities.

* 354 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the men lent from the Revenue Department who are working as Commissioners in the several municipalities are to be reverted to their regular departments after their three years' service in the Local Self-Government;

(b) if the answer to the above be in the affirmative, how the Government propose to fill up the vacant posts of the Commissioners; and

(c) whether there are any Municipalities which have expressed their discontent with their Commissioners in the open Council meetings?

A.—(a) No, unless the officers are not suitable for reappointment as Commissioners or unless they prefer to revert to their regular line after the expiry of their term of appointment as Commissioners.

(b) In case of any reversions, it is open to Government to fill the resulting vacancies by the appointment of persons who are in active Government, Municipal or Local Fund service—vide section 12-C (8) of the Madras District Municipalities Act, 1920.

(c) The answer is in the affirmative.

Inter-district transfer of teachers of high schools maintained by district boards and municipalities.

* 355 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) how many transfers of teachers the Government have made since the passing of Madras Act IV of 1935 which provided inter-district transfers among the teachers of high schools (district boards and municipalities);

(b) whether the Government have received any requests for such transfers from the presidents of district boards, chairmen of municipalities or teachers;

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(c) if so, how many; and

(d) what orders have been passed by Government thereon?

A.—(a) Nil.

(b) & (c) Yes. One from the Headmaster, Municipal High School, Pollachi.

(d) The applicant was told to address the President, District Board concerned, direct.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why the applicant should be told that he should apply to the district board president direct, when the Government themselves have got the power of transferring teachers? "

The Hon. the RAJA OF BOBBILI:—" Generally these transfers are made in consultation with the local boards concerned. Before a mutual transfer is made, it is usual to consult both the boards."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not necessary that the Government should forward the application themselves instead of the applicant applying directly to the district board? "

The Hon. the RAJA OF BOBBILI:—" I think it amounts to the same thing."

Agriculture

Protests against the introduction of the Cotton Pest Act in Pollachi taluk.

* 356 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether representations have been received from the people of Pollachi taluk, protesting against the extension of the Cotton Pest Act to certain of their parts where the Act was not till then introduced or extended; and

(b) what action was taken on them and how they have been disposed of?

A.—(a) & (b) Memorials were received by Government from ryots in certain villages in this taluk. The date fixed for pulling out the cotton plants has been extended by Government from the 1st September 1935 to the 21st October 1935 as a special case in the villages of Vettai-karanpudur, Kaliyapuram, Kottur-Malayandipatnam, Angalakkurichi and Toraiyur and portions of Odaiyakulam and Periyapadu villages. The question whether it is necessary to exclude these villages from the area to which the Pest Act is applied is under further consideration.

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Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, for how long this area has been enjoying the non-application of the Cotton Pest Act? "

The Hon. Mr. P. T. RAJAN:—" I cannot give the exact date."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, what impelled the Government to introduce the Act in that area in spite of various special difficulties of the ryots? "

The Hon. Mr. P. T. RAJAN:—" The department found that the incidence of the disease was getting higher."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, if there are any proposals before the Government to repeal the Cotton Pest Act in that area as it is a difficult problem for them? "

The Hon. Mr. P. T. RAJAN:—" The matter is under the consideration of Government."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government are issuing statements every year as to how the Act is working? "

The Hon. Mr. P. T. RAJAN:—" I do not know exactly what the hon. Member means."

Co-operation

Discontinuance of the annual departmental conference of Deputy Registrars of Co-operative Societies.

* 357 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any annual departmental conferences of Deputy Registrars of Co-operative Societies are being held now; and

(b) if not, why this system has been stopped?

A.—(a) No.

(b) The system was stopped as a measure of retrenchment in accordance with the recommendations of the Retrenchment Committee.

Mr. A. B. SHETTY:—" May I know whether these annual departmental conferences were found to serve any useful purpose in the past? "

The Hon. Mr. P. T. RAJAN:—" I think so."

Mr. A. B. SHETTY:—" If so, may I ask the Government to be pleased to consider the question of reviving these annual conferences? "

The Hon. Mr. P. T. RAJAN:—" It is purely a question of finance; if finances permit, we shall consider the question of having these annual conferences."

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Alleged obstruction on the part of unions to the rectification of co-operative societies.

* 358 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any cases of unions obstructing the rectification of co-operative societies have come to the notice of the Government; and

(b) whether the Government have under consideration any scheme for improving the working of unions or any proposal to liquidate bad unions?

A.—(a) The answer is in the negative.

(b) The policy of the department has been to liquidate financially weak and bad unions. In March last, the Government accepted the suggestions of the Registrar that supervision of societies should be undertaken by central banks assisted by local co-operative unions and that officers of the department should keep themselves in personal touch with the unions and stimulate them to exercise vigorous supervision. There is at present no general scheme regarding unions under the consideration of the Government.

Mr. A. B. SHETTY:—" May I know whether action has been taken on the suggestion made by the Registrar? "

The Hon. Mr. P. T. RAJAN:—" I think so. "

Mr. A. B. SHETTY:—" May I ask whether the officers of the department have succeeded in stimulating the unions to exercise vigorous supervision? "

The Hon. Mr. P. T. RAJAN:—" The experiment was started only this year, and as far as I know, there is a fair amount of progress. "

Proposals for the substitution of a new agency for the existing unions to ensure better control and supervision of co-operative societies.

* 359 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state whether instead of unions the Government are considering proposals to have any other agency for the better control and supervision of co-operative societies?

A.—No.

Mr. A. B. SHETTY:—" May I know whether the Government are satisfied with the control and supervision now exercised by the unions? "

The Hon. Mr. P. T. RAJAN:—" I am afraid I cannot answer this question which is too general in character. "

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Mr. A. B. SHETTY:—" May I request the Hon. Minister to find out?"

The Hon. Mr. P. T. RAJAN:—" It is too general a matter to be looked into."

Payment of subsidies to Loan and Sale Societies on account of their working expenses.

* 360 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government are giving subsidies to any Loan and Sale Societies for their working expenses as they have done in the case of the Central Land Mortgage Bank;

(b) whether any loans are being given for building warehouses for these societies as recommended by the Provincial Banking Enquiry Committee; or

(c) whether help in any other way is being given?

A.—(a) No. The Registrar of Co-operative Societies has sent proposals for making subsidies to enable these societies to rent godowns and to meet the cost of marketing agents, propagandists and clerical establishment employed by such societies. These are under the consideration of the Government.

(b) The Government had already been granting long-term loans to these societies to build godowns up to 50 per cent of the cost of construction of godowns. Up to the end of 1929-30 a sum of Rs. 14,750 was lent to societies for the construction of godowns at Orattanad North and South in Tanjore, Ambur in North Arcot, Nandyal in Kurnool, Madurantakam in Chingleput, Maripudi in Guntur and Nangavaram in the Trichinopoly district. No loans were granted in subsequent years. It is understood that there has been no appreciable demand for such loans from societies for the reasons that these societies were not able to secure sufficient business to keep their godowns fairly full throughout the year and to enable them to repay out of their income, the loans raised for the construction of godowns.

(c) The Government have employed 24 senior inspectors of co-operative societies for the supervision of non-credit societies in the Presidency which include loan and sale societies. They have also employed eight junior inspectors for the intensive supervision of select loan and sale societies in some districts in their initial stages.

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Proposals for the inauguration of Women's Thrift Societies.

* 361 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Registrar of Co-operative Societies had suggested last year the starting of Women's Thrift Societies as in the Punjab and the appointment of honorary women organizers for this purpose; and

(b) whether the Government have taken any action in the matter?

A.—(a) In October 1933 the Registrar proposed the appointment of a lady organizer for starting special types of societies for women in the Madras City.

(b) In the existing state of the movement, the Government did not think it desirable to start new activities.

Mr. A. B. SHETTY:—“ May I know whether the Government propose to start any new activities in view of the present state of the co-operative movement? ”

The Hon. Mr. P. T. RAJAN:—“ No, Sir.”

Industries

Persons selected for receiving foreign scholarships during 1935 by the Department of Industries.

* 362 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) who the persons are who have been selected for foreign scholarships during this year in the Department of Industries;

(b) how many applications have been received for such selection; and from whom;

(c) what the qualifications are of each of the applicants;

(d) whether there is any committee in existence for making such selections and recommending names to the Government; and

(e) if so, who the members are of the Committee?

A.—(a) (1) Muhammad Mumtaz Farookhi.

(2) B. Jagannatha Hegde.

(b) & (c) Eighty applications were received.

No useful purpose will be served by reciting the names and the qualifications of all the candidates.

(d) Yes.

(e) The members are—

(1) The Director of Industries.

(2) The Director of Public Instruction.

(3) A member nominated by the Madras Chamber of Commerce.

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- (4) A member nominated by the South Indian Chamber of Commerce.
- (5) The Chief Engineer, Madras and Southern Mahratta Railway.
- (6) Sir S. Radhakrishnan, *Kt.*, Vice-Chancellor, Andhra University, Waltair.
- (7) Diwan Bahadur B. Mahabala Hegde, B.A., B.L., Mangalore.
- (8) Diwan Bahadur S. Ellappa Chettiyar, M.L.C.
- (9) A. Hameed Khan Sahib Bahadur, M.L.C.
- (10) Mr. W. B. Horrocks, Managing Director, Messrs. Massey & Co., Ltd., Madras.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask the Hon. Minister as to how many persons have been selected by the committee for these scholarships? "

The Hon. Mr. P. T. RAJAN:—" There were three candidates recommended for each of the two items; that is my recollection."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether the Government are aware that gentleman No. 2 mentioned was not one of those who were originally called by the committee and that he was overaged? "

The Hon. Mr. P. T. RAJAN:—" His name was certainly one of the three recommended by the committee, Sir."

B. POCKER SAHIB Bahadur:—" May I know whether the second gentleman mentioned is related to any of the members of the committee? "

The Hon. Mr. P. T. RAJAN:—" I have no information on that point; but the Government came to select this man on no such extraneous consideration."

Mr. M. S. SRESHTA:—" How long ago were the non-official members of the committee appointed? "

The Hon. Mr. P. T. RAJAN:—" I am afraid I do not know; as hon. Members know, the port folio came into my hands only recently."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether in the order of preference, the candidate No. 2 was the third? "

The Hon. Mr. P. T. RAJAN:—" I can say, Sir, that the candidate was third in the order of preference; but the committee recommended that he belongs to a particular community which has had no opportunities before. So, this candidate was preferred."

Mr. M. S. SRESHTA:—" Will the Hon. Minister consider the desirability of having the Indian Christian community represented on the committee? "

The Hon. Mr. P. T. RAJAN:—" When the committee comes up to be constituted again, Sir, yes."

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Public Works

Representation from the Municipal Council, Vellore, regarding the opening of a wicket gate on the southern side of the Fort.

* 363 Q.—**MR. V. M. RAMASWAMI MUDALIYAR**: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government or the Board of Revenue received any representation from the Municipality of Vellore regarding the opening of a wicket gate on the southern side of the Fort;

(b) if so, what action has been taken by the Government;

(c) from what time this wicket gate was open and when it was closed and why; and

(d) whether the Government will be pleased to place on the table of this House the correspondence between the district officials and the Government, and the grounds on which such action was taken?

A.—(a) The Board of Revenue received a representation in May 1935.

(b) The Board agreed with the Collector that no inconvenience was caused to the public by the closure of the entrance. The matter did not come up to Government.

(c) & (d) There is no information to show from what time the gate was open. It was closed in 1931. The Collector's letter, dated the 5th June 1935, explaining the circumstances in which the gate was closed is placed on the table.^a

MR. M. A. MANIKAVELU NAYAKAR:—"The main objection for opening the wicket gate is that loafers are loitering in the place and so on. May I know from the Hon. Minister whether that could not be prevented by posting a constable on duty at the place?"

11-30
a.m.

The Hon. **MR. P. T. RAJAN**:—"The easier of the two alternatives was the closing of the gate."

Electrification of the District and the Sub-Court premises of Salem.

* 364 Q.—**MR. K. A. NACHIYAPPA GOUNDER**: Will the Hon. the Minister for Public Works be pleased to state—

(a) why the buildings of the Judicial Department in Salem, especially the premises of the District and the Sub-Judge's Courts are not provided with electric lights and fans when the town has been electrified long ago; and

(b) when they are likely to be electrified, and what will be the approximate cost of the scheme?

A.—In July 1934, the Government approved an expenditure of Rs. 6,970 on the electrification of the following buildings:—

District Court-house buildings, Salem.

Principal District Munsif's Court at Salem.

District Munsif's Court, Sankari at Salem.

The work will be carried out when funds become available.

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Mr. K. A. NACHIYAPPA GOUNDER:—"In the answer it is stated that the work will be carried out when funds become available. May I ask the Hon. Minister whether the work will be taken up in the coming year and whether any provision has been made in the budget for the coming year in this behalf?"

The Hon. Mr. P. T. RAJAN:—"I am sorry I cannot answer the question off-hand."

Mr. M. S. SRESHTA:—"Is it not the policy of the Government to electrify public buildings wherever electricity is available?"

The Hon. Mr. P. T. RAJAN:—"Wherever electricity is available, and whenever funds are available, certainly it has been the policy of the Government to electrify public buildings."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, why this building alone has been left out while all other Government offices in Salem have been electrified?"

The Hon. Mr. P. T. RAJAN:—"Probably plans and estimates were not ready at the time."

Education

Latest date prescribed this year for the receipt of applications for admission into the Queen Mary's College, Madras.

* 365 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what was the date fixed for sending applications for admission into the Queen Mary's College this year;

(b) whether it is a fact that the applicants have to give in their application forms the marks obtained by them in the S.S.L.C. examination;

(c) what was the date on which the S.S.L.C. registers were given to the students by the headmasters of high schools; and

(d) how many applications were rejected this year for the reason that the applications were received after the due date and to what districts the rejected candidates belong?

A.—(a) June 15th, subsequently changed to June 25th.

(b) Yes.

(c) The Government have no information.

(d) Seven, the number being distributed as follows:—

Malabar	...	...	...	...	...	1
Guntur	...	...	...	...	...	1
Kistna	...	...	...	...	...	1
Tanjore	...	...	...	...	...	1
Madras	...	...	...	...	...	1
Nellore	...	...	...	...	...	1
North Arcot	...	...	...	...	...	1

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know, Sir, what the reasons are for fixing 15th June first and then changing it to 25th? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Because it was found that certificates would not reach the students in time."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Principal of the Queen Mary's College was aware of the change of date before returning the applications? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I have no reason to doubt that she was."

B. POCKER SAHIB Bahadur:—" With regard to the answer to clause (c) I want to know whether the Council is not entitled to the information as to the date on which the S.S.L.C. registers were given to the students by the headmasters of schools? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Unless we ask all the headmasters of all the schools in the presidency, that information cannot be obtained."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know, Sir, whether the Government are aware that the change of date was in the interests of the students? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I should think, so, Sir."

Medical Administration

Application from the District Board, Salem, for a half-grant for the construction of a suitable building for the dispensary at Yedapady.

* 366 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the District Board, Salem, has applied for half-grant for constructing a suitable building and digging a well for the local fund dispensary at Yedapady which is badly in need of such a one;

(b) if so, what orders have been passed by the Government in the matter; and

(c) whether a copy of it will be placed on the table?

A.—(a) Yes.

(b) & (c) The matter is under consideration.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the Government are aware that a building for the said hospital is an absolute necessity? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Oh, yes. A building is necessary for this hospital as for so many other hospitals in the presidency."

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Public Health*Proposal to take over by Government Dr. Muthu's Tuberculosis Institute at Tambaram.*

* 367 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that Dr. Muthu's Tuberculosis Institute at Tambaram is to be taken over by the Government;

(b) if so, on what conditions it is to be taken over;

(c) whether it is to be run in addition to the Government Tuberculosis Institute at Madras or whether both of them are to be merged; and

(d) what the savings or extra cost in this scheme is?

A.—The matter is under consideration.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know what are the terms proposed for taking over the sanatorium by Government? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No terms have yet been settled. The matter is under the consideration of Government."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not advisable to take over the sanatorium when the Governor himself was prepared to address the Government on the matter? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As I have already stated, the matter is still under the consideration of Government."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" May I know whether the Government is aware that patients cannot remain in the sanatorium comfortably for more than three or four months in the year? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Will Government make enquiries before finally deciding to take it over? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The whole question is before a committee who will take all matters into consideration before arriving at a decision."

Injectons to out-patients attending leprosy clinics.

* 368 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what injections are being given to out-patients in leper clinics in Government hospitals;

(b) whether this treatment has been found to be efficacious;

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(c) if so, whether there are any Government hospitals and dispensaries in which this treatment is not available;

(d) if so, why this treatment is not available there;

(e) in what Government hospitals and dispensaries, if any, this treatment is not available;

(f) whether the Government have considered the desirability of making this treatment available in every Government hospital and dispensary; and

(g) whether statistics are available showing the incidence of leprosy in every taluk in this Province?

A.—(a) Injections of Creosotted Hydrocarpus oil and its Esters.

(b) Yes.

(c) & (e) It is available in all Government hospitals and dispensaries except institutions intended for treatment of specific diseases, such as mental hospitals, tuberculosis and ophthalmic hospitals.

(d) & (f) It is not desirable to treat leprosy in institutions intended for the treatment of specific diseases.

(g) Up-to-date statistics are not available. Efforts are being made to obtain such figures.

Mr. M. S. SRESHTA:—"Is the Hon. Minister aware that there are several dispensaries, such as the one in Shirwa in South Kanara where leper clinics are maintained at the cost of non-official organizations like leprosy committees?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No, Sir."

Mr. M. S. SRESHTA:—"Will the Government please make enquiries into the matter?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know if any useful purpose will be served by it."

Mr. A. B. SHETTY:—"With reference to the answer to clause (g), may I know what were the efforts made to obtain up-to-date statistics?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice, Sir."

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—A BILL TO PROVIDE FOR THE LEVY OF A TAX ON CERTAIN FORMS OF BETTING IN THE PRESIDENCY OF MADRAS (BILL No. 20 OF 1935).

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, Sir, I beg to introduce the Bill^a to provide for the levy of a tax on certain forms of betting in the Presidency of Madras (Bill No. 20 of 1935) and move that the Bill be taken into consideration at once.

^a Published in the Fort St. George Gazette, dated 22nd October 1935.

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“ In doing so, I think very few words are necessary from me at this stage. I may state at once that this Bill is entirely a fiscal measure calculated to raise a certain amount of tax. When the other day when the Tobacco Bill was under discussion, some hon. Members emphasized that as only a very small amount was likely to be raised by that measure, there was no necessity for a Bill of that type, I must confess that I began to feel a bit nervous about the attitude which hon. Members of the House might adopt towards this Bill. Whereas the Tobacco Bill contemplated an income of ten lakhs, unfortunately by this Bill I cannot promise the House more than a lakh of rupees a year. I feel, however, that after listening to the very clear and explicit statements made by my Hon. Colleagues the Hon. the Revenue Member and the Hon. the Finance Member about the financial position of our province, with ever-contracting revenues and ever-expanding expenditure, the House will be at one with the Government in its desire to find out fresh sources of taxation, however little might be the amount which any such source might give; and it is in that hope that I approach this House with this Bill and I do hope that it will receive a very sympathetic consideration at the hands of the hon. Members of this House.

“ I might also state that the Bill is so limited in its scope and has so few provisions in it that all hon. Members would have had an opportunity and the time to go through it in detail and would be with me in thinking that there is no need for a reference to Select Committee for a detailed examination of the provisions contained therein, and would give me permission to go on with the Bill at once.

“ Apart from the very few number of provisions which this Bill contains, I might also state that it is based almost wholly on the provisions of the Acts which are to-day in force and have been in force for a fairly large number of years in three other provinces—Bombay, Bengal and Burma. Those Acts have been in force in some cases for a period of about ten years and in others a bit less, but nevertheless for a large number of years, and obviously those Governments have found the provisions to be workable and practicable. The measure which I now introduce is based, as I have already stated, mostly on the provisions contained in those three Acts; and if I refer to them, it is only to point out that it is some guarantee that the provisions of this Bill, even if not perfect and even though they may require consideration at a later stage, are for all practical purposes workable and could be brought into force at once. Another reason why I am not in favour of its being referred to a Select Committee is that, unless the Act is brought into force at as early a date as possible, we would not be able to derive any benefit out of the Act during the current year. If we do not pass this Bill into law during the present sitting, the next racing season in Madras would have passed before we could enforce the Act and when that season is passed, we will not be able to get any income at all under this Bill. As, to begin with, we propose enforcing the Act only as

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regards the Madras Races, if we do not bring it into force before the end of the Madras race season, it will mean that this year we shall not be getting any income under this tax. That means we shall be foregoing about a lakh of rupees of revenue. It is on these considerations that I would appeal to my hon. friends who have given notice of a motion to refer the Bill to a Select Committee not to press their motion, but to allow me to go on with the Bill straightaway. With these few words, I move that the Bill be taken into consideration at once."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, I beg to second the motion before the House and I congratulate the Hon. the Home Member in having brought forward such a measure in spite of his good friends like me."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, I thought that, this being a new measure of taxation, it would be better if it was referred to a Select Committee so that they might go through the provisions carefully and suggest improvements if necessary. Since the Council is going to sit for a long time yet, I thought that during the interval in one or two days the Select Committee might consider the Bill; but since I hear from the Hon. the Home Member that this Bill closely follows the other Acts which have worked sufficiently well in other provinces, I do not mean moving my motion for referring the Bill to a Select Committee."

The motion was put and carried and the Bill was taken into consideration.

Clauses 1, 2, 3 and 4 were put and carried.

Clause 5.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, I move that instead of 4 per cent maximum, it should be $6\frac{1}{2}$ per cent minimum and $12\frac{1}{2}$ per cent maximum. My reason for moving this amendment is this. The Government are anxious to have extra income as could be inferred from the speeches made both yesterday and to-day by the Hon. the Revenue Member and the Hon. the Finance Member and they have to find out new sources of taxation. This Bill is really one which seeks to tax luxury. Betting is really a luxury and nobody should grudge paying one anna in the rupee. When they get sixteen annas, they should not grudge to pay one anna by way of tax.

"I therefore move the following amendment:—

'For the proviso of clause 5 (2), substitute the following:—

"Provided the rate shall not exceed $12\frac{1}{2}$ per cent and shall not be less than $6\frac{1}{2}$ per cent of the sum paid out by a book-maker to a winning backer, the amount of the bet being excluded."

"I want to fix one anna in the rupee as the minimum. It is not a tax which has to be paid by every person; only the person who wins

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pays it. But the argument may be raised that such a person would have lost already. But, Sir, on the analogy of assessment to income-tax which only takes note of profits earned and does not give any credit to losses sustained, this one anna in the rupee may be taken from the winners by way of tax. It is purely a luxury and people who go to the races can afford it for the sake of their hobby. I feel that one anna could be ungrudgingly given by a person who wins one rupee. I think such a tax is very essential and the Hon. the Home Member deserves our special thanks for bringing forward this sort of legislation in our province, copied though it might have been from other provincial Acts. The Government expected a return of one lakh from this tax but if my amendment were accepted, it will be much more.

“I also understand on reliable authority that they are going to increase the value of the ticket on a horse in the second enclosure from Rs. 2 to Rs. 2-8-0. On the pretext of the imposition of this tax, the race authorities have increased the value of the tickets. That is the very reason why I am moving this amendment.

“If the Government accept $12\frac{1}{2}$ per cent as the maximum tax which can be levied, they would lose nothing. On the other hand it will constitute a reserve which in an emergency they can draw upon, instead of restricting themselves to 4 per cent. Of course the argument may be adduced that it is just like killing the goose that lays the golden eggs. But I will reply to it by stating that we are only imposing a tax on the amounts won. Yesterday we agreed in principle to the further taxation of the ryot. I fear that our *bona fides* will be questioned if we do not accept this amendment. The *bona fides* of the Government could be better understood by the public if they support this amendment. Their intention is to raise revenue and in that they were supported by the party *en bloc* yesterday. This amendment, seeking as it does to bring in more money to the treasury, will, I hope, be accepted by the Government. I hope the Hon. the Home Member who is always sportive will accept the amendment.”

Mr. H. M. JAGANNATHAM:—“Mr. President, Sir, I beg to second the amendment.”

* Mr. V. P. NARAYANAN NAMBIYAR:—“Mr. President, Sir, I beg to oppose the amendment. The hon Member representing Guntur, in moving the amendment, spoke about the anxiety of the Hon. the Revenue Member and the Hon. the Finance Member to augment the resources of the province. That being so, they would have fixed the figure after very careful consideration. I oppose the amendment of my hon. Friend fully realizing that I am not at all doing any injustice to the ryots whose cause my friend has so much at heart.”

* Mr. W. K. M. LANGLEY:—“Mr. President, I oppose the amendment and I do so for very definite reasons. This is purely a fiscal measure as the Hon. the Home Member just now pointed out. We

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are not concerned in the slightest degree whether racing or betting is good or bad. We are merely concerned with a fiscal measure and we have to examine the amendment under discussion to see if it can make a suitable contribution to our revenues. We have, therefore, to consider such an amendment extremely carefully because unless it is thought out most properly and thoroughly it might completely wreck the whole effect of the Bill. Far from producing enormous revenue, as my hon. Friend the Member for Guntur seemed to imagine, on the other hand, so far as my information goes, it would have the effect of producing probably no revenue at all. I think my hon. Friend for Guntur who speaks frequently on financial matters and who is a high authority is fully aware of the law in connexion with fiscal matters, which is known as the law of diminishing returns. It has been proved by actual practice that in connexion with betting taxes, you have to go extremely carefully and remember that as the tax rises and goes beyond a certain point, it would no doubt have the effect of steadily diminishing the return until we reach a minimum when, I am credibly informed, no revenue whatever would be produced.

“ I notice that the hon. Member's amendment is solely with regard to book-makers. Now the book-makers, though they make themselves heard clearly enough on the course, unfortunately cannot make themselves heard here. I hold no brief for them but I feel I can speak on behalf of them here because nowadays I have nothing to do with them. Now the book-maker, put at the very lowest form of argument, is a necessary evil on the race course and I will tell you why. Big trainers and owners who generally bet on a large scale do not generally like to go to the totes for special reasons which I need not go into at the present moment. So they employ the book-makers. If the officials of the race course wish to keep racing absolutely clean, they curiously enough have to depend very largely on the book-makers. The book-makers are licensed by the race course authorities and their books are open to inspection and consequently if there were any in and out running or any suspicion of malpractice of any kind in connexion with any particular race, the best source that the official of the race course can go to in order to prove that their suspicions are well-founded is the book-makers' books. The stewards of the Madras races, all experienced men, can at a glance tell whether there is any probability of any particular malpractice or sharp practice of any kind. In that way, the book-makers exercise a very healthy function in connexion with racing and I have not the slightest doubt that the suggestion of my hon. Friend from Guntur would undoubtedly have the effect of putting all the book-makers out of business. What would then happen? Other countries—they are trying to do without book-makers in, for example, New Zealand—have experimented with it and they have all learned their mistake. What happens in New Zealand is that all the betting money is collected by the book-makers' representatives, and is telegraphed to Australia and the money all goes to Australia where it is perfectly impossible for the officials of New Zealand to exercise any sort of control and therefore, that inevitably leads to malpractices on

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the race courses. What happened in Bombay? Sir George Clarke adopted the method suggested by the hon. Member from Guntur and put a tax on the book-makers and finally did away with them altogether by legislation. The result was that racing in Bombay became a byword for corruption and bucket shops sprang up in every corner of Bombay and reaped a glorious harvest as a result of it. Unsatisfactory practices also cropped up on the race course and the Government finally was so concerned with its effect on the morals of Bombay that they proceeded by legislation to allow book-makers to ply their trade once more. As I have said, I hold no brief for book-makers; but I do hold a brief for honest sport and clean and satisfactory racing. And curiously enough, book-makers are the custodians in a way of clean racing on the turf. I am convinced that the amendment of my hon. friend for Guntur would have the effect of entirely abolishing book-makers and leading to unsatisfactory racing and spoiling a clean and healthy sport. I strongly oppose the amendment."

12 noon. * Mr. M. S. SRESHTA :—" In opposing the amendment I feel there must be a limit to this taxation. If a minimum of $6\frac{1}{4}$ per cent is insufficient I do not see why my hon. Friend did not ask that the minimum should be raised to 25 per cent. He is apparently guided by the fact that betting is immoral. That is perhaps the feeling of a large number of people. I myself bring to bear on the question a judicial indifference as I do not bet myself. I feel that the Hon. the Finance Member and the Hon. the Home Member are right in trying to exploit all possible sources of revenue. So long as betting is allowed and so long as racing is allowed I do not see why Government and the tax-payer should not benefit by it. I only make the suggestion that the Hon. the Finance Member will spread the net wider and try to catch all kinds of betting that are going on and on which no revenue is derived by Government. It was my own privilege or misfortune to move a resolution some years ago in which I said that there should be a sweepstake run by Government so that some revenue may be derived by Government by exploiting this instinct in human nature for betting. But unfortunately the Finance Member of that day, Mr. Bracken's predecessor, thought my proposal was very pernicious and immoral and said that my resolution should not be supported. I am glad however that the Government has now changed its mind and is not quite prepared to ignore this instinct and, recognising that such an instinct does exist and cannot be resisted, tries to get some revenue out of that instinct as much as possible. As I said, I make the suggestion to the Hon. the Home Member to spread the net wider and try to tax all the betting going on. We know what a lot of money is going away to Ireland, Goa and Indian States by way of tickets to sweepstakes. So far as South Kanara is concerned something like Rs. 5,000 is sent every month to Goa. This is an enormous inroad on the resources of the people. If the Government consider it immoral to have sweepstakes, they must bear in mind that Ireland and other countries are taking away a lot of money from this province. Let therefore

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Government legalize betting and sweepstakes and levy a small tax on them. With this suggestion to Government, I oppose the amendment."

* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I also rise to oppose this amendment. I do not think I need add many words because Mr. Langley has put in his arguments very clearly and I cannot but repeat most of the arguments he has advanced. But there is one thing. If really Government are keen in getting some revenue, they will be killing the goose that lays the golden eggs if the percentage is put at a higher rate, because, it will lead to the race course closing down, since the race-going people will not be able to bear the tax. One more word. (The Hon. the Finance Member: Hear! Hear!) The Hon. the Finance Member says 'Hear, hear.' The Hon. the Finance Member is for augmenting the revenue, but I hope he will not kill the goose that lays the golden eggs. Also, I would like to point out that if there is a heavy tax, the bucket shops will rise in every corner of the city whether you like it or not and you will have to incur expenditure on police to put down illegal betting. Therefore, I would appeal to Mr. Krishnayya Choudari to leave it there. Government know their business. Government know what they are doing in the matter and it will not be right to raise the percentage as to really dry up this source of revenue."

* Mr. YAKUB HASAN:—"Mr. President, Sir, I rise to support the amendment. (Laughter.) I do not see why my support should raise a laughter. I am surprised that there is so much opposition to the amendment. That shows some people in this House are so fond of racing that any supposed impediment to it is opposed so vigorously. Sir, the Hon. the Home Member need not have been apologetic in introducing this Bill. This does not stand on a par with the Tobacco Bill. The bigness or smallness of the amount of tax should be no consideration at all. If I support this, it is not because of the one lakh that the tax will bring in but I support it on moral grounds. All people who make income from whatever source, the Government ask them to pay a part of their income by way of tax. But the people who are making income from betting are the only people who are let alone without any taxation whatsoever. That is iniquitous. I welcome this Bill because such people will also be brought in and taxed. When you are taxing, you should tax properly and not levy merely a small amount. Their burden of taxation should be equal to the burden of others. Two annas in the rupee or 12½ per cent is not such a big thing that people may be afraid of killing the goose that lays the golden eggs. Sir, Mr. Langley said that owing to some action on the part of Government in Bombay the book-makers' business was not profitable at one time with the result that bucket shops and others came in and betting was done in an improper way. Sir, if betting is a good thing, what does it matter if it is done through bucket shops? (Laughter.) If betting is only to be indulged in in a proper form through the book-makers, the book-makers should be made to pay a tax on the income of the profession that they are following:

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I do not see why you should think that the payment of $12\frac{1}{2}$ per cent will drive the book-makers away out of the business. The tax will not make any difference in the book-making trade whatever. Supposing such a thing takes place, you can deal with the bucket shops in the proper manner. That fear should not be allowed to affect this question. We have dealt with the bucket shops before and we can deal with them again. When the new Government which will have an elected majority comes in, they will deal with it in a more drastic manner than in the Legislative Council where the elected members are not in a majority. We need not be anxious on that score. Therefore, I ask the Members of this House to consider this matter in the light in which it should be considered. I am surprised to see that people have opposed this motion. I do not ascribe any motive to them. They think that racing is a good thing and a sport. Let it go on. I do not do anything to put a stop to it or propose any sort of obstacles to it. But at the same time, you must consider that any leniency shown to the book-maker is out of the way. I think $6\frac{1}{4}$ to $12\frac{1}{2}$ per cent is a very proper tax to be levied on them and I hope the House will support this amendment."

* Sriman M. G. PATNAIK Mahasayo:—"Mr President, Sir, the question of raising money is not the only question that has to be considered. My hon. Friend Mr. Langley has clearly avoided the question whether betting is moral or immoral. He did not like to address himself to that question. If he had done so, he would have condemned it as immoral. That is the reason why he avoided that."

* Mr. W. K. M. LANGLEY:—"Sir, on a point of order. I could deal with betting and I could deal with racing also. But I did not feel called upon to do so on this amendment. The only question before the House is the extent to which the book-makers should be taxed. I am quite willing to give the hon. Member a lecture on betting or on racing at any time if he wishes it."

* Sriman M. G. PATNAIK Mahasayo:—"That consideration also should count with the Members of this House in coming to a conclusion on this question. That was avoided by Mr. Langley and I repeat it again and Mr. Langley's explanation has not met my point yet. Therefore, there are two things. What is the duty of this Government? First of all, the Government has to see whether betting should be encouraged or discouraged. If they are going to encourage it, they will begin by imposing a slight tax to encourage it. But if they want to discourage it, then of course, they must put a very heavy tax. I think that has been the policy of Government with regard to matters which are pernicious to public morals. That is what the policy of Government is with regard to excise. I do not see how on principle this betting differs from their policy in regard to excise. It is a pernicious practice. No doubt, one thing must be said. Many persons highly placed do take part in racing. But that is a reason why it should be condemned all the more. I think it ought to be condemned

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more because the influence of such persons spreads the contagion more readily than other kinds of pernicious practices. I am very sorry that the Hon. the Leader of the Opposition should assert that it is a hen which lays the golden eggs. Whatever it may be, this is not a golden egg. Of course it is a poisonous egg. (Laughter.) So the policy of Government should certainly be, if they want to impose light taxation, to encourage it. If they want money they can encourage many malpractices. There are many other things also of such character. (Laughter.) Then Mr. Sreshta said that the previous Finance Member said that he was entirely against any money being raised on sweepstakes. I think the Government ought to get more money and discourage it. That is the policy in regard to excise. My friend's amendment ought to be supported and if they do not do it, I will only say that they are encouraging betting."

* Sir WILLIAM WRIGHT:—"Mr. President, the two members who supported this amendment have obviously supported it, not because it would bring in more revenue, but because they wished to attack betting itself. It seems to me somewhat illogical that they should support the motion and attack betting as far as book-makers are concerned whilst there is nothing in this amendment to oppose betting on the totalisator. We can only conclude that these hon. Members who object to betting in the ring with the book-makers have no objection to punters walking a few yards and putting their money on the totalisator. P.m."

"Now, Mr. President, the Mover of this amendment referred to the golden duck, the Leader of the Opposition referred to the golden goose, and the last speaker to the golden hen. I have no objection at all to these various birds being brought into this debate, because I should like to point out that it is not a question of one egg only; there will be many golden eggs lost as revenue to Government as the outcome of this amendment if passed by the House. Because as my friend Mr. Langley has pointed out, if you are going to do away with book-makers by introducing legislation which would penalize backers so highly as suggested by the Mover of this amendment, you will probably make it impossible for racing to be carried on in Madras at all and you will lose all your golden eggs. With your permission, Sir, I should like to give some information to the House about these eggs. As far as Madras is concerned, the labour employed in the race club during the last year received in pay very nearly Rs. 1,73,000. In addition to that, as you know, a very large clerical staff has to be employed temporarily and a large staff all the year round. The expenditure on wages annually comes to Rs. 2,37,000. All this money is naturally spent in and around Madras. The club itself pays income-tax amounting to Rs. 61,000. That perhaps does not interest us but it certainly interests the Government of India. Then the club pays entertainment tax to the local municipalities of Rs. 20,000 per annum, which we understand is going to be increased this year. The

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railways also obtain a very large amount of revenue which they will not get otherwise, from the very large number of horses that are brought to Madras and from the large crowds that go out by train to Guindy to enjoy the fresh air. The large number of horses that are brought to Madras during the racing season of course have to be fed, a large number of syces, grass-cutters, riding boys, etc., have to be employed and the cost of maintenance of men, horses all means more money spent locally. So I will appeal to the House not to accept this amendment which would possibly kill racing in Madras and make it impossible in future."

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, I am very sorry I am unable to accept the amendment moved by my Friend, Mr. Krishnayya Choudari, though he was good enough to pay me a compliment. Whatever that might be, I can only say I am sportsman enough not to spoil the sport of others by accepting this amendment. As I began by saying and as has been emphasized by Mr. Langley, this is a measure which does not concern itself with the morality or otherwise, the beneficial nature or otherwise, of betting generally. We are concerned here wholly with the means of raising some additional revenue to our exchequer; and paradoxical as it might appear, I may say that I have put down this low figure of four per cent for the purpose of raising the maximum revenue that we can. As far as the question of morality is concerned, as I said, we have nothing to do with it, though personally speaking—and I state not as a Member of Government—to give vent within limitation to mere human instinct can under no circumstances be said to be immoral, and wagering, I believe is found in most human natures and the Government as such, I think, is very little concerned, or at least ought to concern itself very little, with immorality of individuals provided it does not affect the public morality. And the best method of safeguarding public morality would be to see to it that this natural instinct; whether it be of wagering or of having an occasional stimulant by way of taking some alcohol or some such thing, is regulated into right channels rather than completely stopped. Because if you stop it, you will drive it underground and the mischief will be all the greater. Here, I think we are doing the right thing by allowing betting under certain rules and regulations because if we do away with it altogether, evil consequences will flow from it which Mr. Langley has so graphically described as having arisen in Bombay. My hon. Friend, Mr. Yakub Hasan, asked, if betting on the race-course is allowable or permissible or laudable, why not have it in bucket shops also? The only answer I can give is this. Within the licensed area of the race-course we can control it, but outside it, in an undefined area, we shall not be able to exercise any control; there would be frauds and other malpractices which cannot be brought to light and which cannot be effectively dealt with. That is why I say we allow people to give vent to a natural instinct which within limitations does no harm to anybody and which if given vent to in greater degrees,

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might lead to the disaster of all individuals, against which the individuals themselves must be safeguarded and it is up to the State to regulate such practices.

"As I said, we are not concerned with that matter at all here; we are concerned with the sole question as to what amount we could get by this legislation. Being myself not much or anything at all of a race-goer, I felt like my Friend, Mr. Krishnayya Choudari, and like anybody else who imposes a tax which he himself has not to pay, I aimed at a high figure and considered that $6\frac{1}{4}$ per cent would be a reasonable maximum. I also thought that for purposes of administration it would be easier if we put it at one anna in the rupee. I may state that after calling for opinion from people who are competent to offer advice and suggestions, I had to convince myself against my own inclination that $6\frac{1}{4}$ per cent would not bring the return which we could expect, and that it would have the effect of completely drying up this source of revenue, and I put down four per cent as the maximum. I might however state that we do not propose to levy anything more than $1\frac{1}{4}$ per cent to begin with; and it is this $1\frac{1}{4}$ per cent which we expect would give a lakh of rupees. The maximum of four per cent may seem a low figure to Mr. Krishnayya Choudari. So, even within this limited area, there is the possibility, if things prove encouraging, of realizing anything between three to four lakhs, and purely from the point of view of finance it would be unwise to raise the maximum which we have prescribed and which we do not propose to avail ourselves of immediately. I may also state that the rates of tax in Bombay and Bengal, where I believe the position, financial and otherwise of the race clubs is very much sounder than what it is in Madras, have nowhere reached the figure which Mr. Krishnayya Choudari would put down as the minimum. In Bengal the rate is four per cent, in Rangoon it is only $2\frac{1}{4}$ per cent. In Bengal they have had the Act for 14 years and they have raised it only to four per cent. In Bombay, the Act has been working for 10 years, and at the end of 10 years they are putting four per cent. In Rangoon, the Act has been in force for six or seven years, and the rate has gone up to only $2\frac{1}{2}$ per cent. Before we can reach even the maximum of four per cent we have prescribed to ourselves, I believe it will have to be some years, because, as pointed out by Mr. Nachiyappa Gounder, it is a new source of taxation we are trying to tap and we cannot be overcareful and overcautious. In the case of arrack we found that by putting up the price the income went low and therefore we have now had to reduce the prices; and that ought to be a lesson to us for not aiming too high. So, apart from appealing to the House not to accept this amendment, I would make a personal appeal to my Friend, Mr. Krishnayya Choudari, reasonable as I know him always to be, to withdraw the amendment he has moved."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In view of the Hon. Member's statement, I beg leave to withdraw the amendment. (A voice: 'In view of the flattering compliments.') It is not for the flattering

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compliments, but because in the Statement of Objects and Reasons he has not stated that $1\frac{1}{4}$ per cent will give us $1\frac{1}{2}$ lakhs. If I had known that, probably I might not have given notice of this amendment. Now having got this information, and because the Leader of the Opposition is himself a race-goer and a member of the club and says that the tax should not be levied, for it would be an indirect tax on him, I withdraw the amendment in order to show some respect to the Leader of the Opposition." (Laughter.)

12-30 p.m. The amendment was, by leave, withdrawn.

Clauses 5, 6, 7, 8, 9 and 10 were put and carried.

The preamble was then put and carried.

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, I beg to move that the Bill (No. 20 of 1935) be passed into law. In doing so, I might state that, while I feel considerably flattered by what was said by one or two hon. Members about my being responsible for imposing this tax—though my Friend, Mr. Krishnayya Choudari, would make it a sort of lefthanded compliment by saying that it is a copy of the Bengal or Bombay Act—whatever credit is due for the introduction of this measure, a great portion of it should go to my Hon. Colleague, the Finance Member, who is really the father of the Bill though I am here as its foster father. The thanks of the House are due to him mainly for this Bill being accepted by the House.

" Next, I have to offer my thanks to all hon. Members of the House for having been so considerate towards this Bill as to have it passed so rapidly. Finally, I think I should be failing in my duty if I do not offer my meed of tribute to the persons or to the institution which is going to be most affected by this Bill. The readiness with which the Race Club authorities came forward not merely to accept the tax that is going to be imposed upon them but also to offer every possible help at every stage to the Government to make the Act practicable and workable, deserves praise. I must acknowledge here the very valuable suggestions which had been conveyed to the Government by the Race Club authorities in the various communications which they were good enough to send us. I might state that if, unlike other sources of income where we always anticipate or budget for very much more than we do actually realize, in this case I stand on firmer ground in anticipating the probable return to the Government, thanks must be due mainly to the Race Club authorities. With these few words I move that the Bill be passed into law."

The Hon. Mr. P. T. RAJAN:—" I second it."

* Dr. P. SUBBARAYAN:—" I am indeed very thankful to the Hon. the Home Member for the compliment he paid to the Race Club authorities. I can assure Hon. Members of the Government that it has been always the practice of the Race Club to co-operate with the Government as much as they can and I am indeed glad to learn that

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the help that the Race Club authorities gave with regard to the passing of this measure has been very valuable to the Government. I am sure the figures have been worked out carefully and the Hon. Member is not wrong when he says that he could safely rely on those figures and that it would not be very difficult for the Government to collect this tax.

"I am indeed thankful to my hon. Friend, Mr. P. V. Krishnayya Choudari, for having withdrawn his amendment. I am sure if he had known that 1½ per cent would bring in one lakh of revenue, he would not have moved his amendment. I am sure that all Members of this House are obliged not only to the Hon. the Home Member but also to the Hon. the Finance Member for the interest he has taken in this purely fiscal measure leaving all questions of morality aside."

The motion was put and carried and the Bill was passed into law.

III.—THE MADRAS PUBLIC SERVICE COMMISSION BILL^a

(BILL No. 19 OF 1935).

* The Hon. Mr. C. A. SOUTER:—"Mr. President, Sir, I beg to introduce the Madras Public Service Commission Bill (Bill No. 19 of 1935) and move that the Bill be taken into consideration at once.

"At page 5 of the printed Bill, hon. Members will find the Statement of Objects and Reasons for this Bill. I may state briefly that, although we have a Public Service Commission Act now, when the new Government of India Act comes into force, that Act will automatically lapse. The constitution, etc., of the future public service commissions not only in this Province but in the Federal Government and in the other Provinces will be regulated by Chapter III of Part X of the Government of India Act of 1935. Hon. Members who read sections 264 to 268 of that Act will see that that chapter in itself contains full provisions for the constitution and functioning of the public service commissions. They will also notice if they read those sections carefully that the Act which has been in force in this Presidency for the last three or four years is in many respects *ultra vires* the new Government of India Act. Although it is quite possible for us to carry on under the present Services Commission Act until the new Government of India Act comes into operation in this Presidency, I think it is better that we amend the Act suitably and that is the reason why the Government have thought it necessary to bring forward this Bill. My reasons for stating that it will be a mistake to continue our present Act until the introduction of the Reformed Government are briefly these: Under the present Act we have, in accordance with its provisions, made a large number of rules and conventions with the Commission for carrying on the provisions of that Act in a manner which, as I have said, is inconsistent with the provisions of the new Government of India Act. We can carry on under these conditions until the new Act comes into force, but is it not much

^a Published in the *Fort St. George Gazette*, dated 22nd October 1935.

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better and will it not be to the great advantage of the future Government of this Presidency that we should, during the comparatively short interval which I hope will take place between now and the introduction of the new Government of India Act, have a Service Commission to carry on its business in accordance with what it will have to do after the Government of India Act comes into force? Is it not better also that we revise our rules in the meantime in such a way that they will not be repugnant to any of the provisions of the Government of India Act? The revision of these rules, I may inform hon. Members, is not an easy matter. It is a matter which will take very considerable time, and if the new Government, whenever it comes, is to be saddled with the duty of revising these rules, it will find that a great deal of its time will be taken up which might have been spared if the present Government had brought in an Act of this sort and framed the rules which, then, by a stroke of the pen, could be made applicable to the new Government of India Act. Those, Sir, are the main reasons which actuated this Government in bringing forward this Bill.

“It may possibly be asked, and I think rightly, why it is that the Madras Government should have thought it fit to bring forward such a measure as this when other Governments in India have not done so, so far as we are aware. The answer, Sir, is simple: it is that we alone of all the Provinces of India have a Public Service Commission. Having that Public Service Commission, it seems to us far better that it should continue under the new Government and that there should be no necessity for reconstituting it and adopting other measures when the new Government comes into being.

“As regards the provisions of the Act itself, we follow almost literally in most respects, the actual sections of the Government of India Act. We are introducing nothing in our present Bill which is in any way contrary to the provisions of that Act; and I would ask hon. Members, before they make up their minds on the present Bill, to study those sections of the Government of India Act and the clauses of this present Bill, and they will notice how very close the one is to the other. I assure this hon. House that there is no ulterior motive—I think it is a phrase which is very often used here—in the introduction of this Bill. It is only done to facilitate the work of the new Government which is coming into being and for no other reason whatever. With these words I once again move that this Bill (No. 19 of 1935) be taken into consideration.”

The Hon. Mr. G. T. H. BRACKEN:—“I second it.”

* Dr. P. SUBBARAYAN:—“Mr. President, I am sure the Hon. the Revenue Member will not charge me with saying that he has any ulterior motive behind this proposal. I do not at all suspect that. I have carefully read sections 264 to 268 of the Government of India Act of 1935 which deal with public service commissions in general,

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both Federal and Provincial. As I said yesterday with regard to the Tobacco Bill, my complaint is that this Government who are almost on their last legs—and they can of course be kept alive for the next few years by extension—are trying to rush legislation through this House on all matters which might very easily be left to their successors in this House. After all, the Government of India Act of 1935 has laid down everything in very careful terms—and I believe I will not be contradicted when I say that whatever may be the opinion on the measure of self-government granted to this country by this new Act, nobody can complain about the draftsmanship of the Act. I think it is one of the most carefully drafted measures that I have ever read and I think from the point of view of legal draftsmanship whenever one reads the sections of this Act, one is pleased with its draftsmanship, even though the safeguards that have been put in there might tighten the smooth working of the Act and put every obstacle in the way of development of self-government in this country. It is a very carefully drafted measure and I do not see why this Government should try to improve on the provisions of the Government of India Act and whether this Council passes this Bill or not, a Public Services Commission with regard to this Province will have to be appointed and the appointment of such commissioners would entirely be at the discretion of His Excellency the Governor. The rules and regulations with regard to the functioning of such a commission should also be left to the discretion of His Excellency the Governor under the provisions of the Government of India Act of 1935. I would like to ask the Hon. Gentleman who is sitting on the Treasury Bench to-day ‘why this undue haste; why not leave it to His Excellency the Governor and his Council of Ministers whom he may select after the next elections to deal with this measure?’ Now this Government has got a Commission of their own, and it has done its work well. But now I ask why this haste when there is a specific and explicit provision in the new Government of India Act and why this Government should be so anxious to tie the hands of their successors? As I said yesterday, I do not think their successors will thank them for their undue haste. It is for the Ministers of His Excellency’s future Government to put through a measure which would carry out the wishes or the objects which this Bill has in view, viz., that the services should not be under the political influence of any Ministry that might be in office. Therefore that safeguard which is absolutely necessary in any form of democracy is already provided for in the Government of India Act. Therefore, I personally feel that this particular anxiety which the Hon. Gentlemen on the Treasury Bench are showing to-day for their successors is quite unnecessary and unwarranted and it is much better that this solicitude for the position of their successors is given up here and now and they leave it to their successors to do what they think fit, because under the new constitution, Mr. President, the Government is going to be one wholly responsible to the Legislature of this Province and through the Legislature to the people of this Province. The four Hon. Gentlemen who are sitting on the reserved side of the Treasury

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Bench to-day, however eminent they may be, are not responsible to anybody in this country. They are not responsible to the Legislature or the people of this country."

The Hon. Sir K. V. REDDI NAYUDU:—"They are responsible to the British Government and to the British Parliament."

* Dr. P. SUBBARAYAN:—"If the Hon. Member had kept quiet for a moment, he would have heard what I was going to say. They are responsible to some authority somewhere, but they are responsible to nobody in this country which is a fact and which the Hon. Member cannot deny. They may be responsible to the Governor and through the Governor to the British Parliament. But you are not responsible to anybody in this country and that is my point. I do not understand why this irresponsible Government which is not responsible to anybody in this country should be so anxious to pick the chestnuts out of the fire for the next Government. The Hon. the Leader of the House for whose ability I have got very great respect cannot deny the fact that he is not responsible to a single person in this country. My complaint is why this irresponsible Government which cannot be turned out by a vote of this House should be so anxious to legislate for the future. I would therefore appeal to Hon. Members on the Treasury Bench to leave well alone the Public Services Commission Act under the old Government of India Act and leave the responsibility of bringing in legislation of this kind in consonance with the provisions of the Government of India Act of 1935 to those that might take office in this House under the new constitution."

* The Hon. the PRESIDENT:—"There is an amendment in the name of Mr. Basheer Ahmed Sayeed."

Mr. BASHEER AHMED SAYEED:—"The amendment that stands in my name is for a reference of this Bill to a Select Committee of this House. But before I make that motion, my inclination is to oppose this measure at the very initial stage of the Bill itself. As the Leader of the Opposition has pointed out,—and I entirely agree with him—it is quite unnecessary for the present Government to forestall their views on the future Government which might be constituted under the Government of India Act of 1935."

"Now, Sir, coming to the Bill itself, the Hon. the Revenue Member has told us that the clauses which are contained in the Bill that has been moved are nothing but a copy of the sections of the Government of India Act itself. If that were the case, perhaps the Hon. the Revenue Member has forgotten that the Government of India Act has not yet come into force. Particularly these sections which he has referred to, viz., sections 264 to 268 are not to come into force until His Majesty's Government fixes a date when they shall come into force under section 477 of the Government of India Act. The date has to

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be fixed by His Majesty as to when the Act is to come into operation. This is what clause (2) of section 477 says:—

‘477 (2). The remainder of this Act shall, subject to any express provision to the contrary, come into force on such date as His Majesty in Council may appoint and the said date is the date referred to in this Act as the commencement of Part III of this Act and referred to in Part XIV of this Act as the commencement of that part.’

That being the case, I do not know how far the Hon. the Revenue Member is justified in saying that he is enacting this measure under these sections of the Government of India Act at all. I say that it is not competent for him to say that he is enacting this measure under the provisions of the Government of India Act. Very well, the Hon. the Revenue Member is denying that he is enacting this measure under the sections of the Government of India Act which deal with the constitution and establishment of the Services Commission. Now, Sir, apparently he admits that he is enacting this measure under the rules made under the existing Government of India Act or the rules made by the Secretary of State. Then, Sir, I submit for your consideration and for the consideration of this House that it is quite unnecessary that there should be such a Commission constituted, because the Hon. the Revenue Member has contended when the report of the Commission was discussed on the floor of this House that several sections of the existing Madras Services Commission Act are *ultra vires* of the provisions of the new Government of India Act. If the provisions of the Government of India Act of 1935 have not yet come into force, the question that the existing sections of the Madras Services Commission Act are *ultra vires* of the sections of the new Government of India Act does not at all arise. It is a very premature point. I do not think the Hon. the Revenue Member is entitled to say at all that the existing sections of the Services Commission Act are *ultra vires* of the sections of the Government of India Act at all. If some of the sections of the Services Commission Act are *ultra vires* the moment the sections of the Government of India Act come into operation on the day to be fixed by His Majesty's Government, this existing Act of Madras Services Commission of 1929 has no legal value. Automatically from the date which His Majesty's Government may fix for the coming into force of those sections of the Government of India Act, the Services Commission Act of 1929 will cease to have any effect. Then, Sir, it would be open to the Government to come forward and constitute a Commission and define its functions and duties under the particular sections of the Government of India Act. There is no need for two separate measures at all. The moment sections 264 to 268 come into force, then there is no need for a separate Act at all. The existing Act goes out of existence. When these sections come into operation, by executive orders or by rules and regulations framed by the Governor, the Governor is to constitute a Commission under sections 264 to 268.

“Now, Sir, the preamble of the Bill runs as follows:

‘Whereas the Secretary of State for India in Council has made a rule authorizing the local legislature, subject to certain conditions and restrictions,

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to make laws for the establishment and for determining the functions of a Commission to regulate the public services of the Presidency of Madras;

And whereas it is necessary and expedient to establish a Commission for discharging the functions hereinafter specified in relation to the said service.

“Sir, the Commission is required to do what? I venture to ask what is the preamble? What is the implication of this preamble? Already the Services Commission for the Madras Presidency exists and there is no need to constitute a further Commission for discharging its functions. The rule that was made by the Secretary of State for India in Council was the old rule and under it the existing Commission has been constituted and that Commission is now functioning. Now, Sir, is it proposed that a second Commission is going to be established under this preamble? Is there any new rule which the Secretary of State has issued under which this Commission can be constituted or is he entitled to issue any such rule? How is it that this Commission is said to be constituted under one breath and in the same breath the Hon. the Revenue Member again says that he is going to remove some of the illogicalities that have arisen in the existing Commission Act by virtue of the Government of India Act of 1935? At the same time he also says that he is constituting a Commission under the rules framed by the Secretary of State for India in Council. I think, Sir, he is taking an illogical position and leads one to absurdity.

“Coming to the other question, there is already the Commission that has been established and is functioning for the Local Government under rules framed by the Governor. What has happened to that Commission? What will happen to the rules and regulations framed by that Commission if this Bill is going to become law? What will happen to those persons who are there as Members and Chairman? Are they to be turned out in the event of this Bill being passed into law or are they going to continue as Members and Chairman? The natural implication of passing this measure will be that. The Hon. the Revenue Member will kindly tell me whether by the enactment of this measure the other Act, the Act of 1929 ceases to be an Act or not.

1 p.m.

“Then what happens to the Members of the Services Commission? Can you, without making any provision in this measure, say, ‘We have enacted a fresh measure and as soon as that measure comes into operation, those members cease to function as members? Or is it the idea of the Government that when this Bill becomes law the present Commissioners and the Chairman will be reappointed? Or is it their idea that these members are to continue up to their sixtieth year when they will have to retire automatically? The question arises whether the Government can affect the vested rights of these Commissioners and their Chairman, rights which have been vested in them under the existing Act. Under the present Act these Commissioners are entitled to be in their offices until their sixtieth year. That being the case, is it competent for the Government to say, ‘We have entered into a contract with you, but for no fault of yours we are enacting a fresh law and

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therefore you shall go out of office?' This Bill does not seek to remove any difficulties at all in the matter as I see there are not very many difficulties at all.

"The Hon. the Revenue Member might say that we should make everything ready for the future Council and the future Government. What is it that is contemplated in sections 264 to 268 of the Government of India Act, 1935? They say that subject to the provisions of this section there shall be a Services Commission for the Federation and a Public Services Commission for each province. In our province there is already a Services Commission. The sections then go on describing the constitution and functions of the Commission. There is another enabling provision—section 267—which gives the Government the power, the only power. It says:

'Subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Services Commission or, as the case may be, by the Provincial Services Commission, provided . . .'

"When section 267 comes into operation, the Government can come forward with a Bill of this kind and say, 'We have already got a Services Commission. It is functioning and we want to give it additional powers. We want to regulate those powers. We want a further amendment of the Act.' Instead of doing so, while they say that the present Act is *ultra vires* of the Government of India Act, they yet claim to act under the rules made by the Secretary of State in Council and further they say that they are going to constitute a Commission for discharging certain functions and duties while already a Commission is existing and discharging its duties to the fullest satisfaction, as I conceive it.

"The Hon. the Revenue Member stated that the rules and conventions that have been now framed and are in force are inconsistent with the sections of the Government of India Act, 1935. My remarks apply to those conventions as well. The fact that certain rules and certain conventions are inconsistent with the Government of India Act which is yet to come into force does not enable the Government to come forward with a measure of this kind at all. It is wholly premature and unnecessary. The Hon. the Revenue Member said that the moment the Government of India Act comes into force this Bill will automatically become useless. Why then I ask, do you waste the time of the Council, waste the time of the Secretariat, waste so much of energy and time when you say that the moment the Government of India Act becomes law this Act will become ineffective? I have noted the Hon. the Revenue Member's own words. He said:

'Even this Bill, when the Act comes into operation, will lapse automatically.'

"The regulations and the conventions and the rules that have been framed have been framed by the Government, meaning thereby the Governor acting with the Ministers and also the Governor acting with the Ministers and also the Councillors. Those are the regulations now in force and those are the rules now being followed by the Commission in

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the exercise of their powers and the discharge of their duties. When the sections of the Government of India Act come into force, they will transfer that responsibility to the Governor acting by himself. The Hon. the Revenue Member might say:

‘The rules to-day are framed and given effect to by the Government. Later on it is the Governor who will have to do it. Before the Governor does it, we shall prepare them for the Governor.’

‘Even to-day the Governor is functioning in giving effect to the rules made by the Government. It will make no difference whether the rules are made and kept ready for the Governor or not. Even in future, there will be the same rules, the same machinery and the same personnel which is going to deal with these rules. Only instead of saying ‘Government’ they will say ‘Governor.’ But the Governor is not going to sit down and call a steno-typist and say that this rule should be so and so and that rule should be so altered. The very same rules framed by the Government will be the rules framed by the Governor. Such being the case, where is the necessity for amending the present rules? What is the force of the argument that these rules are *ultra vires* and ought to be changed here and now because later on the Governor cannot find time to do it? Will not the same Government officials, the same Secretariat and the same persons be engaged in framing these rules? It makes very little difference whether they are passed in the name of the Governor or in the name of the Government. Any inconsistency that is now found by the Government is being removed then and there. Difficulties in the matter of appointments, recruitment and promotion are removed by the amendment of the rules and so on. The same thing will happen when the Governor will be supposed to be exercising these powers of rule-making in his individual capacity as Governor. There will be no difficulty to frame any rule, or alter any rule to suit particular cases even. There have been instances—the Government cannot deny that—when rules and regulations have been altered to suit certain individual cases and then have been restored to their original position when the contingency was tided over. When this is possible to-day, it will be equally possible for similar things to be done in the name of the Governor in future years. I do not see why it should be stated at the fag end of this Council before the sections of the Government of India Act, 1935, have come into force, that there should be a new Bill when the present Act itself is working quite satisfactorily. Probably there was an attempt in the days of the illustrious predecessor of the present Revenue Member to make the Act much more comprehensive, to make the Services Commission a real Commission to be of real use and value. If an attempt had been made by the present Hon. Revenue Member to make the existing Act XI of 1929 more effective, to give the Commission a really independent status and make their opinion really sound and acceptable to the Government, such a measure would have been more welcome. Instead of doing that, what do we find is being attempted to be done? To scrap off the measure which has now by experience shown itself to be inconvenient and inflexible and have another Bill. We shall see later on what seems to be *prima facie* attitude in bringing in a measure like this at this

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juncture. The existing Act requires, no doubt, amendment and expansion in many directions. With what object? With the object of making the Commission a really independent body, which has not got to depend on the Government either for appointment, advice or opinion and which can make the Government accept its recommendations in so far as they are in conformity with the rules and regulations and the provisions of the Act. Instead of doing that, an attempt is being made to get rid of the whole thing and bring in a measure to re-enact the very sections that are going to come into force probably a year or two later. What is the purpose and the object gained, I am unable to comprehend.

“ In this Bill there is also one outstanding feature which cannot but be noticed by every Member who has perused it. In the existing Act XI of 1929 there is section 20 which says:

‘ Within six months after the end of each financial year, the Commission shall present to the Local Government a report on its proceedings during such financial year and the report shall be brought up by the Local Government for the consideration of the Legislative Council.’

“ Now quietly that section is removed from the new Bill. It may be that the activities of a Commission, a well-constituted and well-ordered Commission, their operations and their proceedings ought not to be the subject-matter of discussion on the floor of a Council like this. In so far as the Commission is a judicial body or a quasi-judicial body dealing with matters which concern the vested rights and the accruing rights of individual servants of Government, they shall not be open to discussion in this Council. But when you constitute a Commission which has to advise the Government, whose salaries are paid out of public funds for which the Government will be responsible, how are the public and the representatives of the public, the Legislative Council, to know whether the Government are respecting the Commission which is established under law and acting according to the rules and conventions and carrying out the advice or the opinion or the recommendations of the Commission? How can we know how exactly the Government treats the Commission, how far they give effect to their opinions and value their advice, how far they carry out the instructions, the suggestions and the recommendations of the Commission from time to time? What is there in the present Bill to provide that the Legislative Council can have knowledge of these matters? The Hon. the Revenue Member may perhaps point to our right of interpellations. Certainly interpellations are not meant for this purpose. As long as there is no report placed before the Council, how can the Council know how the Government deal with the matters raised by the Commission and for what reasons they disagree with the Commission? How can we control the activity of the Government? What is there to restrain the Government from vetoing the decisions of the Statutory body? The only effective control is public opinion. How will you get that public opinion unless you place the report of the Commission on the table of the House for such discussion as the Council may deem fit. The Hon. the Revenue Member might reply that the report ought not to be the subject-matter of discussion. Probably his legal advisers might

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have told him so. The Government of India might have stated so. This prohibition may apply to the actual acts, the actual opinions and the actual suggestions of the Commission to the Government on matters of rights of individual Government servants. But what is there to prevent a discussion of the activity of the Government in relation to the Commission and a discussion of the activity of Commission in relation to the Government? That certainly should be a subject-matter of discussion and should be subject to public opinion. Without public opinion, I am afraid, Sir, that this Statutory Commission will be a dead body and will not serve any useful purpose. It is useless to constitute a Commission of that kind without giving at the same time power to the Legislative Council to consider the report on the activities of the Government and Commission in relation to each other.

1-15 P.m. "We are going to enter into a responsible party Government. If the party Government is going not to respect, not to regard, not to heed any of the recommendations or advice given by the Services Commission, we do not know where it will end. There is the security for the services. How is the Legislative Council going to be assured that the recommendations, the actions and the advice given by the Commission are accepted by the Government? How is the security of the services for whom the Services Commission is going to be established, how is the security of the services for the regulation of which you are going to give some powers to the Commission, going to be safeguarded, unless and until you give an opportunity to the Legislative Council to review the activities of the Government, of the party Government, of the responsible Government? There is no useful purpose that will be served by setting up the Commission and by enacting a measure of this type.

"With all respect I would like to ask the Hon. the Revenue Member to tell me whether this Bill has had the approval of the Services Commission which is now functioning, which has been in existence for the last six or seven years. The Commission must have created certain traditions, certain functions, certain procedure. I would like to ask the Hon. the Revenue Member whether the opinion of the Commission has been obtained on this Bill or whether it is being done behind its back. If this is being done behind the back of the Commission, I would say that it is most unjust and injudicious. The Services Commission ought to be given the right to give its opinion as to what exactly it has to say. It is not enough and I would not be satisfied if only one Member of the Commission, or the Secretary or the Chairman was consulted. I would like to know whether the Services Commission as a whole has given its opinion and whether there is anything on record. I would be very thankful to the Hon. the Revenue Member if he would place before us the opinion, the considered opinion of the Commission on the various clauses of this Bill, that was obtained before the Bill was published. It is essential that the Commission ought to be consulted; that is a body which has been constituted under the Act. It is a body which has got vested rights and when their rights are being affected, when their powers are being curtailed to whatever extent, it is quite reasonable that the Commission should be consulted and given an opportunity to express its

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views on the various sections of the Bill, and on the desirability of a measure of this kind. I submit, Sir, that on these grounds, there is no need for the Bill to be passed into law at this stage. It is enough if we get on with the present Bill; if there is any need or justification for making some amendments to the existing Bill, that can be done. There seems to be no case for bringing forward a new Bill and merely repeating sections after sections. No other province has done so. Why should this Province alone do so now and anticipate so many things? What is it that the Bill claims? They have in fact omitted many salient features of the existing measure; they have copied sections after sections; where is the need for this Bill and for enacting it so early? Power is given under section 264 of the new Constitution Act to appoint a Commission. A Services Commission is already existing; section 266 gives additional powers. Instead of giving additional powers and functions to the Commission, what the Government are doing now and what the Bill seeks to do is to curtail all the powers of the Commission, to make it a non-entity, to make it a figure-head. I am certainly against the Services Commission exceeding its powers; on matters on which the Government wants its opinion, it is bound to give; I am against the Services Commission asserting itself in provinces which are not its legitimate ones. If, for instance, the Government want that a certain recommendation should be made with regard to a certain post keeping in view the scale of salary, the conditions of service and so on, and if the Commission goes out of its way and says it would recommend a man on Rs. 500 or Rs. 300, certainly the Commission's opinion can be turned down. But the Government should not make a generality of a particular case like that and say that they would not accept the recommendation of the Commission in all cases. There are cases in which the Government will be justified in not accepting the Commission's recommendation. There are cases also in which the Government will not be justified in rejecting the recommendation of the Commission. It is but necessary that the Legislative Council should be taken into the confidence of the Government with regard to the relationship between the Government and the Commission. I am certain that the Legislative Council will not lose the right they have already got of considering the report and the relationship that exists between the Commission and the Government year after year. The Council, I am sure, will not give up that right and will fight for that right being restored to them. Whatever may be the objection that may be put forward by the Hon. the Revenue Member, it will not hold good in the light of what I have already stated. I would therefore say that my inclinations are that this Bill should be opposed and rejected by this Council. But since I find public opinion in this Council may not be wholly in favour of my view, I would move the motion that the Bill may go before a Select Committee; it may thrash out all the issues and it may be given a direction that it may report whether this Bill is necessary at all at this stage and whether it would serve any useful purpose. It is of course open to the Select Committee to say whether the Bill is necessary or whether it may be dropped, or whether it requires any alterations or modifications. I would therefore

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move that under Standing Order No. 39 (2), this Bill be referred to a Select Committee consisting of:—

- (1) The Hon. Mr. C. A. Souter (Mover).
- (2) Rao Bahadur Sir A. P. Patro.
- (3) The Hon. the Raja of Bobbili.
- (4) Mr. V. M. Ramaswami Mudaliyar.
- (5) Dr. P. Subbarayan.
- (6) Mr. Basheer Ahmed Sayeed.
- (7) „ T. C. Srinivasa Ayyangar.
- (8) „ T. S. Ramaswami Ayyar.
- (9) „ V. P. Narayanan Nambiyar.
- (10) „ T. Narasa Reddi.
- (11) „ A. Ranganatha Mudaliyar.
- (12) „ M. B. Rangaswami Reddi.
- (13) „ D. M. Reid.
- (14) Rao Sahib V. Dharmalingam Pillai.
- (15) Mr. G. Sriramulu.
- (16) „ J. Kuppuswami Choudari.

I also request that you may be pleased to suspend the Standing Order limiting the number of Select Committee Members to 13 and to allow me to make the motion.”

* MR. K. A. NACHIYAPPA GOUNDER:—“ Mr. President, Sir, I have much pleasure in seconding the motion so ably moved by my friend, Mr. Basheer Ahmed. I am also of the opinion that the introduction of the measure is not at all warranted at the present moment. We are now getting on with the present Services Commission Act; this House is at liberty to enjoy some privileges, such as going through the report of the Commission and offering criticism or advice or suggestions or remarks. This enables public view point being conveyed to the Commission. If this Bill is passed into law, we will be deprived of this privilege. Of course it must be said that the House cannot enjoy this privilege when the new Government of India Act comes into force. When there is no possibility of the new Government of India Act coming into force for one year more, why should we rush and get through a measure so much in advance as one year when the other provinces are not moving in this direction and thereby forego our rights even from now. This measure wants to put in some new sections which deprive the Commission of the opportunity of giving its opinion on legitimate questions. Clause 12 of the Bill says that the Local Government may certify that they cannot give some information without undue labour or in the interest of the public, etc. I find that the Commission will be responsible only to His Excellency the Governor; I do not understand why it should not be taken into confidence and why it should not be given facilities for looking into the records and asking for information. As pointed out by my leader, this measure seems to stiffen the position more than what is contemplated in the new Government of India Act. That Act will come into force some time later and this Bill being taken up so much in advance, seems to me rather to be a queer idea and the argument set forth, I may say, Sir, is not at all convincing.

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“ It is stated in the Statement of Objects and Reasons that under section 10 of the Act as it stands now, consultation with the Commission is obligatory in every case of recruitment made in India to services under the control of the Local Government including even those of peons and constables. Though the Government state that there is such a provision, they are not giving effect to it now. The Commission may be consulted with regard to the recruitment of all services from the top to the bottom. It will be well and good for the Government to have the view points of an independent authority, so that they might act in the right direction. In future we are going to have the Government constituted on party system and it is quite necessary and expedient that the Commission should be consulted on many matters. These are all things that are anticipated, but now we can very well get on with the existing Act. The Legislative Council can be enjoying the privileges it has under the present Madras Services Commission Act, until the new Government of India Act comes into force and until rules are framed by His Excellency the Governor to put the new Commission in the working order. Until then, the Commission will have the advantage of hearing what the representatives of the people in this House have to say and they can consider the suggestions made by them. Under the Government of India Act, even though His Excellency the Governor may have the authority to decide the issues one way or the other, with regard to the working of the Commission, I think if the present system is to go on till the Government of India Act comes into force and the new Commission comes into operation, the present practice and the suggestions which the House may express from time to time may weigh with him in the shaping of the new rules and the decisions of His Excellency may be favourable and in agreement with the public view point. If this Bill is to be passed into law and if the practice we are following now is changed, there is no scope for His Excellency the Governor to think anything of the existing practice at the time of framing the rules, and I fear the new Services Commission may be organized in a more rigid way than what is contemplated in the Government of India Act.

“ Then, Sir, with regard to the present Commission, my hon. Friend, Mr. Basheer Ahmed Sayeed, has pointed out that before bringing in this measure, the present Commission was not consulted.”

1-30
p.m.

MR. BASHEER AHMED SAYEED :—“ On a matter of personal explanation, Sir. I said that I wanted to know from the Hon. the Revenue Member whether the Services Commission as such has been consulted, and if so, whether its opinion will be made available.”

* MR. K. A. NACHIYAPPA GOUNDER :—“ I am glad to be corrected. I would also like to have the same information from the Hon. the Revenue Member. My doubt arose in this way, that if the Commission was consulted, it would have been stated so in the Statement of Objects and Reasons, and the opinion of the Commission also would have been included there. In the absence of any information on this matter, I began to doubt whether the Commission was consulted at all.

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“ Having said that . . . ”

* The Hon. the PRESIDENT:—“ Is the hon. Member likely to take a long time to finish his speech? ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ I shall continue after lunch, Sir.”

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

* Mr. K. A. NACHIYAPPA GOUNDER:—“ Mr. President, Sir, even in regard to the present Commission, we have had occasions to make bitter complaints at the time of discussion of the report of the Commission every year, about the way in which selections are made. There have also been occasions when the suggestions that we made in the House were considered and adopted. We often hear, Sir, from applicants for selection, that the method of selection is not after all quite satisfactory, at any rate, what it should be. The members of the Commission seem to think that their sole aim should be efficiency and nothing else. But in the actual selections made, we find that efficiency is not taken as the sole criterion, as it is stated to be. Oftentimes selections are made of people with ordinary or minimum qualifications, even when more highly qualified persons are available. When representations are made, the members of the Commission say that they are to select the best person for each post but from a close examination of the various selections one could not find that policy throughout.”

* The Hon. the PRESIDENT:—“ I am afraid I am not able to follow the relevancy of the remarks that are just now falling from the hon. Member. He is evidently going into the procedure that is being adopted or is going to be adopted by the Services Commission. That is not quite relevant.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ I am trying to contrast the present Commission with the future Commission, and thus making my criticism on the Bill before us.

“ When such is the case even with regard to the existing Commission whose actions we have now got liberty to criticize, I cannot understand how the future Commission will function, when our rights to criticize are taken away. How can the public opinion be brought to bear on the Commission if we don't have the right to criticize? It may be, Sir, that the Commission will be responsible to His Excellency the Governor. The Governor no doubt controls the Government, and the Government have to take note of public opinion. If public opinion is really to be taken into consideration, I think there ought to be some medium by which such public opinion is to be brought to the notice of the Government and the Commission and this legislature will be the proper medium and hence I would urge that the liberty hitherto enjoyed by this House should be allowed to exist. In the absence of even such mild and innocent provisions, I am sorry, I have to oppose this measure.

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"When I am of such bent of mind, the hon. Members may perhaps be surprised at my seconding the motion for referring the Bill to a Select Committee. No doubt my idea is that the Bill should be opposed; but taking into consideration the attitude of the Government and of the party in power and taking also into consideration the fact that the Bill is not likely to be rejected—as I wish it should be—I think that if the Bill is taken to a Select Committee, some of the provisions at least may be amended in such a manner as to enable us to continue to enjoy certain privileges in regard to the discussions about the activities of the Services Commission which we are now having.

"The Hon. Member in introducing this Bill stated that it was drafted mostly on the basis of the Government of India Act and there was nothing to be changed or altered. Since the new Government of India Act is not in operation, I may say that we may modify the Bill so as to conform to the views of this hon. House. Let this Act continue to be operative, in accordance with our own views, at least till the new Government of India Act comes into force; I have a certain belief, Sir, that afterwards, when His Excellency the Governor brings into operation a new Commission, the rules to be framed by him for the functioning of the new Commission can have at least some of the favourable points which His Excellency can grant even under the limitations of the Government of India Act.

"With these observations, Sir, I second the motion for referring the Bill to a Select Committee."

The Hon. Mr. C. A. SOUTER:—"I should like to say, rather than reply to the points raised by the various speakers who have spoken before me, that on behalf of the Government, I am prepared to agree to the motion for referring this Bill to a Select Committee."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, my task has been very much lightened by the very liberal attitude shown by the Hon. the Revenue Member in accepting the motion to refer the Bill to a Select Committee. It has also been lightened by the fact that after the very eloquent speech of the hon. the Leader of the Opposition, it is unnecessary for me to say much on that aspect, viz., that there is no need to bring in this Bill at this juncture. Mr. Basheer Ahmed Sayeed has also spoken in his characteristic way, for about fifty minutes, on the legal aspect of the matter, viz., that if the Federal Act is passed, then this Act will become infructuous, and that therefore there is no necessity to pass this Bill now. After these points made out by the two hon. Members, I have not, as I said, very much new to say. But it seems to me, Sir, that it is very unfortunate, that a sympathetic officer and administrator, as the Hon. the Revenue Member, should have been forced to bring in a measure of this kind, not only this measure, but a measure relating to tobacco taxation, at this juncture."

The Hon. Mr. C. A. SOUTER:—"On a point of personal explanation, Sir. No one regrets it more than myself."

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* Rao Bahadur Sir A. P. PATRO:—"Sir, it rather creates a very unfavourable impression in the country and on this House that these measures should have been brought in in such a panicky haste. At a time when both the Secretary of State and the Viceroy are appealing to create a favourable atmosphere for the reception of the Reforms, however defective they may be, at this juncture the Madras Government have chosen to bring in a measure which will be a burden on the people of this province and create unrest, namely, the Tobacco Bill and this Public Services Commission Bill which takes away some of the powers of this legislature. These two measures are not likely to tend to create that favourable atmosphere which is so earnestly appealed for both by the Viceroy and the Secretary of State. Nevertheless the Government of Madras, Ministers and Members may think that this is a favourable opportunity, because this House has outlived its term and has been having a wearied existence for about six years, and that, therefore, tired as this House is at this juncture, if measures like this are brought forward they are not likely to meet with that amount of opposition that may be raised otherwise. Probably it may be the reason. What I do say is, I quite appreciate the force of argument of the Hon. the Revenue Member when he said that certain powers which are being exercised by the Services Commission to-day are inconsistent with the provisions of the Government of India Act, 1935, and that it is therefore just and fair that they should set right matters with a view to see that a real Public Services Commission Act is presented to the new Government. It is no doubt a very liberal-minded policy. But, as the hon. the Leader of the Opposition has stated, this Government should have spared itself all the trouble and should have left it to the new House which will be more representative than the present one, to deal with this matter.

"Apart from that, Sir, there is this difficulty also on the part of the Government. The Ministers are there, no doubt, but the difficulty of constitutionalists like me is that, there has been no consultation, there has been no conference of the members of the party—Ministerialists and Justicites—so that they could meet together and express their views and form decisions. There was no such consultation and no conference of hon. Members in order to arrive at certain decisions on important matters of policy like this. Sir, previous consultation was not held and previous discussion with leaders was totally absent, but there was one thing, that is the attitude of the Government. Encouraged perhaps by the silent sympathy and support which is evinced by the Nationalist cum Congress journals of the city which had no word to say when taxes were imposed on the poor suffering millions of this province . . ."

The Hon. Mr. G. T. H. BRACKEN:—"On a point of order, Mr. President. The hon. Member is speaking about the Tobacco Bill."

* Rao Bahadur Sir A. P. PATRO:—"I am sure the point of order is quite right in the sense, I hope, the Hon. Member is supporting what I am trying to expound, namely, that it is the silent sympathy of a

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certain section of the Nationalist cum Congress journals in the city that has encouraged this kind of attitude on the part of the Government, and that this silent sympathy is only a lure to the Government, a lure which is sure to lead them into a dangerous situation, and I am sure the shrewd and experienced Members of the Government will realize that they will fall victims to this kind of allurements.

“ Now, Sir, on the merits of the Bill, what I have got to say is this, namely, that this Bill is a retrograde measure and it ought not to have been brought forward at this juncture. After all, as the Hon. the Mover himself has stated, after the Federal Legislature has passed an enactment under the provisions of the new Act, if a measure is to be passed under section 264, then any measure that could be passed now, will disappear, and the new Act that will be passed under section 264 will come into existence. Then, the right moment for this House to do anything will be under section 267 by which the legislature may provide for the exercise of additional functions by the Federal Public Services Commission. That is the only thing that will be open to this House. It is only to that extent that this House will have jurisdiction to interfere with the Act that might be passed by the Federal Legislature. So far as we are now concerned, if we take the trouble and take up the time of the House by passing this measure, the effect of all that will be, that as soon as the Federal Legislature has passed an Act, this will have to go. Therefore, it is very rightly asked, why all this trouble and why should we bring in this measure? No doubt, it is said that this measure includes many of the provisions and the recommendations of the new Act. I quite appreciate the position that the present Act requires considerable improvement, that experience has shown that in the practical working of the present Act, many defects and difficulties have come to light and that the rules and regulations that have been passed thereunder have been such that perhaps excessive powers were conferred upon the Services Commission and perhaps there is also conflict of powers in the matter of appointments between the Government and the Services Commission. But, Sir, is there any one Act in which such difficulties have not arisen in practical working? (The Hon. Mr. G. T. H. Bracken: ‘ No.’) The Hon. the Finance Member says ‘ No.’ I dare not contradict him immediately without referring to other enactments wherein such things have been in existence and there have been conflicts between the Government and other organizations. One thing strikes me at this moment. Take, for instance, powers under the Local Boards Act and the District Municipalities Act. There have always been references and numerous Government Orders have been passed from time to time. An interpretation of the particular sections explaining the particular powers of the local boards shows that no Act can be perfect in the matter of conflicts between the Government and other bodies. It seems to me that the real cause for bringing in this measure is, that it would not be possible later on to make these drastic changes

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that are contemplated in this Bill. After all, what are those drastic changes? One important change that is put in this Bill, as opposed to what is contained in the present Act is section 20. What is section 20? It means that power is vested in this House to discuss the report of the Commission every year, that the report has to be submitted to the Government and the Government has to place that report on the table of the House, this House could discuss the report in all its important aspects and express an opinion on it. That right of this House is sought to be taken away by this measure. Is it a small power of this House and is it right that such a privilege and right of this House, namely, discussing the report and the working of the Services Commission, should be taken away from this Council? If we refer to section 7 of the existing Act, it provides that the salaries of the members of the Services Commission will have to be shown in the budget. What will happen hereafter is, the Governor will make regulations under the Act by which they will become non-votable and it will not come here for the purpose of discussion at the time of the budget. Therefore, two of the most important powers of this House which at present exist in the present Act, are sought to be taken away and this House will be deprived of the privilege of discussing them. I therefore feel that certain amendments have to be made in this Bill to see that the powers of this House are not affected.

“Again, Sir, you will see from a perusal of the Bill itself, everywhere the sections seem to be mere skeletons kept for the purpose of stating a principle without sanctions. What will be the result of this Bill? You find that in every section power is vested in the Governor to make regulations as to how this Act should work. I need only ask you to refer to clause 6 of the present Bill which says—

‘The Governor may by regulations—

(a) determine the number of members of the Commission, the tenure of office of the Chairman and other members, the salary and allowances (including travelling allowances) payable to them and their conditions of service; and

(b) make provision with respect to the members of the staff to the Commission, the salary and allowances (including travelling allowances) payable to the members of such staff and their conditions of service, and also with respect to such other expenses as may be incidental to the work of the Commission, including contingencies, supplies and services.’

“All these powers he will have in his hands. It is not open to the Governor now to do all these things. Hereafter he will have the indirect power vested in him to ask the Secretariat to make these rules. I have said yesterday that this power of delegated legislation is a very vicious one. That power of delegated legislation is, as far as possible, sought to be avoided in the Act of 1935. In Parliament, there should be an affirmative resolution for Orders in Council to be passed for the purpose of approving them. Therefore, it is not merely placing the resolution on the table, it is not merely intimating that a particular thing had been done by the Executive Government, but that legislation and Orders in Council, should receive the approval of the House. Such a power we have to-day and when Parliament demanded that that

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power should be continued, are you going to deprive yourself of this power? This, therefore, is a matter for very serious consideration of this House.

"Then, again, Sir, I do not want to deal with the clauses seriatim—if you take clause 7 (3) it says: 'The Governor may make regulations specifying the matters on which either generally or in any particular class of cases or in any particular circumstances it shall not be necessary for the Commission to be consulted.' All these are drastic powers which are sought to be taken away from us and vested in the Governor and the instrument of the Governor will be the Secretariat. The result will be that this House will not be the legislators, but the Secretariat will legislate for this House. Of course, it may be argued that under the new Government of India Act also you find that similar powers are vested in the Governor-General. I am not oblivious of such a provision in the Government of India Act, 1935, for the Act proposed to vest powers in the Governor-General to regulate the procedure of the Public Services Commission. That is true. But, why until that Act comes into operation, should we shackle ourselves with all the difficulties during the interim period? That is my contention."

The Hon. Mr. C. A. SOUTER:—"On a point of order, Mr. President. Do I understand the hon. Member to say that he proposes to amend the Government of India Act?"

Rao Bahadur Sir A. P. PATRO:—"I am afraid the Hon. the Revenue Member in his anxiety to carry through this measure, is not prepared to appreciate the position I take."

* The Hon. the PRESIDENT:—"The only observation that I can make at this stage is, the hon. Member is dealing more elaborately with the Government of India Act than with the Bill before the House."

* Rao Bahadur Sir A. P. PATRO:—"It is absolutely necessary, Sir, because a perusal of the last paragraph of the Statement of Objects and Reasons relating to this Bill will show that advantage is taken of the Government of India Act and they have incorporated certain provisions of the Government of India Act into this Bill."

"Sir, if I refer to the Government of India Act more than is perhaps necessary, it is because of the position taken up by the Government, namely, that they have drafted these provisions. Hence I think I am thoroughly justified in referring to it. Clauses 13 and 14 of the Bill are the crown of all provisions. They read—

'The Governor may make regulations to carry out all or any of the purposes of this Act and not inconsistent therewith.

In particular and without prejudice to the generality of the foregoing power, the Governor may make regulations prescribing the procedure to be adopted by the Commission.

14. All regulations made under this Act shall be published in the *Fort St. George Gazette* and upon such publication shall take effect as if enacted in this Act.'

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“ So, Sir, the regulations to be made by the Governor form part of the Statute. The point I am trying to make is that these regulations are not merely for purposes of procedure but these form part of the Statute and have a statutory effect from the date of their publication. You are taking away the powers which this House has of making rules and regulations in this part of the administration of the country and placing them in the hands of the Governor, a single individual,—he has already so many powers vested in him. He is burdened with many powers, special, general, particular, legislative and executive. He is burdened with so many powers and what is this after all? These regulations naturally will be made by my hon. Friend, Mr. Boag, and the Member of Government in charge. (Laughter.) These regulations being part of the statute, they cannot be approved by this House. I do not see why the power that we possess under section 20 of the old Act should be given up. It is a different matter if we are to go up to the Government of India for previous sanction of a Bill vesting us with such powers. What I say is, these powers are there already in existence and I ask why they should not be allowed to continue. I am sure, therefore, that the Select Committee will consider the position very carefully and restore the provisions in section 20 to this Bill.

“ Under the present Act, rules have to be made by the executive and these rules no doubt conflict with certain powers of the Services Commission. Two reasons are given in the Statement of Objects and Reasons to show why this Bill is to be brought in. One is that there has been a certain amount of conflict between the rules made and they are too rigid and inconsistent with the powers exercised by the Services Commission. Has there been any instance to show that the provisions of the Act are too rigid and are extensive and if the Government took upon itself to make reference to the Public Services Commission for decision and for advice on matters which were not sanctioned by the rules, it is not the fault of the Services Commission. Nor is it the fault of the Act. The rules were made by the Government and if they were rigid, it is not the fault of the Commission. Therefore, I submit, Sir, that such reasons for bringing a new Act seem to be not very sound. I submit that these defects have to be rectified. I have dealt with many of the points on which hon. Members raised difficulties. I only hope that the Select Committee which will deal with this measure in detail will do justice to the Bill.”

* Mr. M. DEVADASAN:—“ Mr. President, Sir, in supporting the motion for referring the Bill to a Select Committee, I want to make a few observations. My hon. Friend, the Leader of the Opposition and Sir Patro said that it was too inopportune to bring in a measure of this kind, in view of the fact that Reforms are to come in very shortly. Sir, we are members of the Council at present and so long as we continue to be as such, we have to justify our existence by doing some useful work. The probable date of the introduction of the Reforms is not yet known to anybody and I think we shall not be justified in

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sitting idle in the expectation of the advent of the Reforms. We shall not be doing justice to ourselves and the people, if we do not consider a Bill of this kind which is intended to remedy the defects in the working of the Commission. It is apparent from the Statement of Objects and Reasons that this Bill is intended to remedy certain defects and I think that we ought to welcome the measure.

“ But at the same time, I must submit that the Bill is neither comprehensive nor quite accurate. There are certain defects in the Bill which have to be rectified and I hope the Select Committee will go into it with care and caution and effect changes therein removing the defects.

“ My hon. Friend, Mr. Basheer Ahmed Sayeed, stated that the Bill ought to have been referred to the Services Commission and their opinion obtained. I am not one of those who hold such a view. If the Bill is referred to them, I should say they would not approve of it, considering the fact that the amendments proposed would not be welcome to them.

“ The report of the Services Commission is subject to the examination and criticism of this Council under the present Act. Considering the fact that the Services Commission is invested with very large powers of appointment all over the presidency, there must be some check on them and the report of the Commission must be placed before the Council for its examination and criticism in the interests of the administration of the State.

“ Clause 20 of the present Act ought not to have been removed from the present Bill and I hope the Select Committee would re-introduce it into the Bill.

“ According to the present Act, there are only three members on the Commission. The appointments of Commissioners, I must say without fear of contradiction, are sinecure appointments merely intended as rewards for some officials in consideration of their past services rendered to the Government. Hereafter, they should not be reserved as sinecure posts for rewarding men who have served the Government in the past. It is stated in the Bill that half the members of the Commission must have been once before in the service of the Government for ten years. I think that this provision is introduced only for purposes of getting experienced men on the Commission. But we see that only old men are recruited to the posts and I am not sure whether they can acquit themselves well in the exercise of their duties. For, some of them happen to be retired officials bereft of their energy and strength.

“ I find from the papers that the Hon. the Revenue Member has received a memorial from ladies requesting him to reserve a seat or two on the Commission for ladies when the Commission is to be reconstituted under the new Act. I am not quite sure, whether there will be any chance for ladies to come in. However, I suggest that the

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present number should be increased to five or six in view of the fact that large and extensive powers are sought to be given to the Commission.

“ Another thing is that there is no definite period fixed for a tenure of office of a member of the Commission. The period of tenure of office must be limited to five years, or so. They should not be allowed to continue indefinitely for any length of time. For the proper discharge of duty with vigour, energy and strength, it is necessary that a period of tenure should be laid down and strictly adhered to. There should be a frequent change in the personnel of the Commission. As per sub-clause 3 of clause 5 of the present Bill either the Chairman or the members of the Commission are ineligible for re-appointment in Government service. There is a similar restriction placed on the High Court Judges. One could understand such a position in the case of the High Court Judges, for it may be said that the dignity of the Bench would be lowered by their mingling once more with junior members of the Bar on retiring from the Bench. There is no such position in the case of members of the Commission, for they cannot bear comparison with Judges. This I think ought to be removed. I would suggest that the tenure of office with the Commission should be fixed at five years or so. I hope the Select Committee will give their consideration to the remarks made in the course of the debate and make suitable alterations in the Bill.”

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p.m.

Mr. M. S. SRESHTA :—“ I do not want to weary the House by making a long speech. But I feel it is my duty to say a few words. The Government of India has been referred to by the previous speakers almost in every sentence. It is because it has been stated in the Statement of Objects and Reasons in this Bill that this Bill has become necessary because of the Government of India Act. I feel and all members of the House feel that it is hardly necessary at this moment to take up the time of this House by introducing this Bill. It may be that the guillotine is going to fall in about 18 months. But why should this House divest itself in the meantime of the powers it possesses. When the Government of India Act comes into force we shall have full fledged democracy and then it may be necessary to place the Commission beyond the influence of parties. It is not necessary to do anything at this stage. The Service Commission enjoys full powers and if their report is discussed in this Council it is not to check it but it is to protect it. It might have been noticed that whenever the report of the Commission has been discussed, the members of this House have been trying to protect the Service Commission against, if I may say so, the autocratic powers of Government. We are now in a form of diarchic Government and we all feel that the Government is in the hands of the reserved half. The transferred half do not exercise their power as they ought to. For at least 15 months more this Council will have the power given to it of protecting the Madras Services Commission against the autocratic exercise of the powers of Government. I may also point

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out that the powers given here to the Governor or Governor-General are exercised by His Majesty in Council in England. All I say is, why should we not for 15 months longer continue in the present position? What do we gain by changing it and what does the Government gain by the change? I have been carefully considering the question and I also wished not to oppose the Bill if possible. But still I feel I will not be doing my duty and the House will not be doing its duty if this Bill is passed without protest. I think we all ought to protest against the Bill as it stands. It will be noticed that section 267 of the Government of India Act provides for the passing of a Bill for giving additional functions to the Services Commission. Any Bill which has to be passed should be in the nature of a supplementary Bill. I can quite understand that a supplementary Bill might be passed here giving additional power to the Services Commission. But what do we see in the present Bill? I would ask the Hon. Member in charge what additional functions are being given to the Services Commission. Having regard to the feeling in the country, the one additional function that the Member could have thought of would be to provide power in regard to the appointments under local bodies such as the panchayat officers, assistant panchayat officers and commissioners of municipalities. Charges of jobbery are being made everywhere. How far the charges are true, I do not know. The ground for making the charges should be taken away. I thought some more power would be given to the Commission in regard to these matters. I shall not weary the House any longer but I should merely repeat what I said that there is no more reason to put this Bill on the Statute Book than for introducing the Tobacco Bill, as referred to by Sir Patro. No doubt the reserved half honestly feels that the Bill is necessary in the interests of the country. But it is not responsible to the public. The transferred half does not consider its responsibility to the public and as was pointed out by others it drives more nails into the coffin of the party."

The motion of Mr. Basheer Ahmed Sayeed was put and carried and the Bill was referred to the Select Committee.

IV.—A BILL FURTHER TO AMEND THE MADRAS IRRIGATION CESS ACT, 1865, AND THE MADRAS LAND ENCROACHMENT ACT, 1905, FOR CERTAIN PURPOSES (BILL No. 16 OF 1935).

* The Hon. Mr. C. A. SOUTER :—" I beg to introduce a Bill * further to amend the Madras Irrigation Cess Act, 1865, and the Madras Land Encroachment Act, 1905, for certain purposes (Bill No. 16 of 1935) and move that the Bill be taken into consideration at once.

" This Bill, Sir, is merely for the purpose of transferring to the Board of Revenue the power of passing final orders on two small points. As regards the Madras Irrigation Cess Act, under section 1, clause (b), the question arises as to whether irrigation is beneficial to or sufficient

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for the requirements of the crop on the land. And under the Act as it stands at present this decision is subject to the control of the Collector, the Board of Revenue and the Government. Now, ordinarily speaking, the officer who determines whether any flow of water is sufficient for the crop or not is the Deputy Tahsildar or the Tahsildar. His orders are subject to the control of the Revenue Divisional Officer, the Collector, the Board of Revenue and as the Act stands at present the Local Government. Now, Sir, in this case the question whether water is sufficient for a crop or not is one purely of fact and so far as the Government goes, the Government must accept the facts as stated by the officers who report on it. It seems to Government that the Board of Revenue is a sufficiently high authority to determine the fact as to whether a particular supply of water is sufficient for a crop or not. But it is somewhat absurd that what really is after all almost a petty matter of fact should under the present law be subject to the control of the Local Government. And similarly in the Land Encroachment Act, matters connected with it are part of the ordinary revenue administration. There again we start with the Tahsildar, the Revenue Divisional Officer, or the Special Officer appointed under the Land Encroachment Act, again the Collector, then the Board of Revenue and as at present up to Local Government. Here again it seems to Government that it is unnecessary that those cases should ever come to Government. In fact, Sir, in my experience I cannot recollect a case in which Government has had to intervene in such matters. And quite apart, therefore, from the merits of this proposed delegation of authority to the Board of Revenue, the provision in the present Act is, as experience has shown, unnecessary. And it is for these reasons that we propose that these two Acts should be amended in accordance with this Bill. Sir, with these words I beg to introduce the Bill and move that it be taken into consideration at once."

The Hon. Mr. G. T. H. BRACKEN :—" I second it."

* Mr. K. A. NACHIYAPPA GOUNDER :—" Sir, I beg to move the motion standing in my name—

' that the Madras Irrigation Cess and Land Encroachment (Amendment) Bill (No. 16 of 1935) be circulated for eliciting public opinion thereon.'

" Though it is a small Bill, Sir, having only two or three clauses, I am constrained to make this proposal because it is a measure which affects the ryot population and a right which has been enjoyed by them ever since the Act came into force, in 1865, that is for the past 70 years. All these 70 years the ryots had recourse to this remedy whenever they felt that their case was not suitably dealt with even by the higher authorities subordinate to Government. When such a privilege is to be affected, though it is a very small Bill, it is quite necessary that people from whom we are taking away this privilege should be made aware

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of this fact. This Bill has been published in the *Fort St. George Gazette* on the 24th September 1935. They could have published it in the district gazettes only towards the end of this month and as such people would not have sufficient opportunity to get this information and make their representations with regard to this matter. Since this is a measure which takes away their right which they have enjoyed, it is quite proper and appropriate that they should be given sufficient opportunity to express their views.

"I am not aware, Sir, whether a good number of cases go up to Government year after year. In order to get information on that point and in order to satisfy myself as to whether the Government would be justified in taking away this appellate right, I have put in interpellations asking for figures with regard to appeals brought before Government under these sections during the last ten years. I am sorry I could not get the figures since the question was given very late as short notice question. If correct figures are given and if they reveal that this appeal right was not enjoyed, then Sir, I think I may be in a position to decide whether I may allow this legislation to pass through. Otherwise I will have to press this motion.

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"As regards irrigation, Sir, we have got a lot of complaints to make and we are not very much satisfied even with the existing Act. When such is the case, if Government are going to take away the right of appeal, I need not state what suffering it would cause to the ryots. We often feel, sir, that the local authorities are not capable of giving that careful and sympathetic consideration to our complaints which the Government on account of their contact with us, representatives of the people in the Legislative Council, are able to give. This is not in any way a trouble or additional work to Government. Since the Hon. the Revenue Member himself says, there are no such appeals forthcoming. I do not see any reason why they should take away this provision from the statute book. Though it is not quite so useful in the day-to-day administration, still it may be in a few per cent of the cases the ryot would like to approach the Government for a reversal of the orders of the subordinate officers. After all, this would not throw much work on the Secretariat and why should such a small privilege be refused to the ryot? Though this is a short Bill it involves a principle; and I would insist that it shall be circulated for eliciting public opinion so that it may come back to us with the considered opinion of the general public, who one day might think that this sort of amendment to the Act would put them to much trouble and they are greatly handicapped from getting justice from the Government. With this object in view, Sir, I propose that this measure be circulated for eliciting public opinion."

MR. P. V. KRISHNAYYA CHOUDARI:—"In seconding the motion of my Friend, Mr. Nachiyappa Gounder, I have got to bring to the notice of the Hon. the Revenue Member one fact and also elicit some

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information. Though the Bill is a very small one, namely, to omit the word 'Government' it involves a lot of privileges which may be affected. In the future Legislative Council most of the ryots will have their representatives as members of the Cabinet, and if the Bill is passed, the ryots could not bring their grievances to their representatives but they will have to bring them before the Board of Revenue which under the new constitution is not to be under the direct control of the Ministers except for administrative purposes. I am led to think it is probably with that idea the Government has brought forward this Bill. For instance, take the water-cess which they have fixed at Rs. 6-4-0. If such things are going to be fixed by the Board of Revenue, I would object to this Bill."

The Hon. Mr. C. A. SOUTER:—"Water-cess has not been entered into at all."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I do not know, Sir; anyhow, I will second the amendment."

Mr. K. P. RAMAN MENON:—"I quite appreciate the view taken by the Hon. the Revenue Member that appeals should come to an end with the Board of Revenue, but I am not sure as to the residuary powers of the Government or whether that power which it inherent in the Government is taken away by the process of amending this Act and making the appeal to the Board of Revenue final."

* The Hon. Mr. C. A. SOUTER:—"I may assure the hon. Member that the power of Government is not taken away. What the Act says is whether water is beneficial to and sufficient for the requirements of the crop is subject to the control of the Board of Revenue and the Government. So that has not taken away from the Government their general powers of control over the Board of Revenue."

* Mr. G. R. PREMAYYA:—"Of all the Revenue Members we have had from 1920, I think the present Member is the cleverest: he knows how to win the people to his side; his good manners generally win the favour of the opposition. The Tobacco Bill has a sting in it, but that sting has not been perceived by the opposition. Now, if powers are delegated to the Revenue Board, there is one difficulty. The Local Government is to dictate the policy and the Revenue Board is to act up to it; but if the Revenue Board is allowed to dictate rules, I think there will be a lot of difficulty. The Hon. the Revenue Member has just now said that he has not seen any case of appeal come up before him for disposal. Why then should they try to give that power to the Board of Revenue which has heavier work? We cannot approach the Collector or the Revenue Board easily. The Hon. the Revenue Member with his years of service will be a fit person to dictate policy. I therefore would like to see this power retained as in the original Act."

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* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in this matter I will have to explain my position to the House. The Hon. the Revenue Member said that it does not take away the rights; it is simply a question of sufficiency of water for the crops. But the words 'beneficial to' give some trouble. I shall just give an illustration of what is going on in my district. Water taken from the river Cauvery for irrigation purposes especially of the wet lands has been enjoyed by the ryots and mirasidars and landholders of the proprietary estates in that area, so far without payment of any water-rate whatsoever. It is taken by means of a korambu for which they pay a separate cess. The whole thing if managed that way will not be putting the Government to any expenditure in this behalf. But the Government have now come forward to levy tax under the Irrigation Cess Act; they say that the Mettur dam is beneficial to such areas, and claim that they are perfectly at liberty to increase the water-rate. That question, I am afraid, is involved in this section. And if the right to appeal to Government is taken away, the ryots will be put to hardship and will have to curse their stars for not being fortunate enough to have this section in the Act for some more time. They will have to confine themselves to appealing to the Collector and the Board of Revenue and they could not have the privilege of rushing up to Government. With regard to this, there is also a legal issue involved. The mirasidars of that area are having legal consultations and are contemplating to rush to court, because the Government themselves have considered the question and decided with regard to the lowering or raising of the water-rate in that area. This section involves the question whether water taken from certain sources is beneficial to the crop. Such cases of great importance will be covered by this section. So I am much concerned in getting the Bill published for eliciting public opinion. That opinion would tend to make Government decide whether to retain the provision in the Act or not. With that object in view I will have to press my motion."

The motion that the Bill be circulated for eliciting public opinion thereon was put and lost. 3-45 p.m.

The main motion was put and carried and the Bill was taken into consideration.

Clauses 1, 2 and 3 were put and carried.

The Preamble was then put and carried.

* The Hon. Mr. C. A. SOUTER:—"Sir, I now beg to move that the Bill be passed into law. In doing so, Sir, I just like to say that the apprehensions of hon. Members, particularly of Mr. K. A. Nachiyappa Gounder are unjustified. There is no question in this Bill of interfering with the water rights of anybody. This Bill only seeks to make the Board of Revenue which, as I have said, is always, subject

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to the final control of Government, the final authority on the matter of fact as to whether in a particular case a certain amount of water is adequate or is essential to the irrigation. This matter is settled in 99 cases out of 100 by the deputy tahsildar exactly in the same way as in land encroachments. If, as it may sometimes happen, there is a particularly hard case, this Bill does not prohibit anybody from addressing the Government. The Government, if it sees fit to do so, as it may in land encroachment cases, call for papers and so on. It does not take away from the Government the power of control over its subordinates in any way. I stated I think that since I have been here, I have heard no case of that kind. But a case under the Land Encroachment Act concerned with a temple did arise. In matters of this kind we have to go upon the reports of the local authorities. We got a report from the Collector concerned and on that report, without going to the place and seeing the encroachment, we passed orders. That is all that is happening now. Exactly the same thing will happen hereafter. An hon. Member said that if there is no work here, why unnecessarily meddle with the existing Act? That argument will cut both ways. Why should unnecessary legislation remain on the statute book?"

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

The motion was put and carried and the Bill was passed into law.

V.—A BILL FURTHER TO AMEND THE INDIAN REGISTRATION ACT, 1908, IN ITS APPLICATION TO THE PRESIDENCY OF MADRAS FOR A CERTAIN PURPOSE (BILL NO. 18 OF 1935).

* The Hon. Mr. P. T. RAJAN:—"Sir, I introduce a Bill * further to amend the Indian Registration Act, 1908, in its application to the Presidency of Madras for a certain purpose (Bill No. 18 of 1935) and move that the Bill be taken into consideration at once. In doing so, it is needless for me to detain the House long. Sub-sections (2) and (4) of section 89 of the Indian Registration Act, 1908, require that certificates of sale of immovable property granted by courts and Revenue officers should be sent to the registering officer and that he should file them in his Book No. 1. Under the present Bill it is proposed to extend the same provision in so far as certificates of sale granted by officers of the Madras Co-operative department under section 17 of the Madras Co-operative Land Mortgage Banks Act, 1934 and under the rules made under the Madras Co-operative Societies Act, 1932 are concerned. The intention of the Bill is to ensure the completeness and continuity of the record of title to immovable property kept in registration offices. I hope the House will accept the Bill."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

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The motion was put and carried and the Bill was taken into consideration.

Clauses 1 and 2 were put and carried.

The Preamble was put and carried.

The Hon. Mr. P. T. RAJAN:—"Mr. President, I move that the Bill be passed into law."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I have to congratulate the Hon. Minister for choosing a Bill on which there is not even one Member to speak. It is a unique honour for the Hon. the Second Minister. With these few words I resume my seat. (Laughter.)"

The motion was put and carried and the Bill was passed into law.

VI.—MOTION *RE* SECOND REPORT OF THE MADRAS
DELIMITATION COMMITTEE.

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, I rise to move the motion that stands in my name—

'that the Second Report of the Madras Delimitation Committee be taken into consideration.'

"I do not propose to detain the House with a long speech, but I shall just make a few remarks by way of introduction. The House has now before it the original memorandum of the Government, the first Report of the Delimitation Committee, the provisional conclusions of the Government and the Second Report of the Delimitation Committee. Hon. Members will see that the final proposals or the Second Report of the Delimitation Committee and the provisional conclusions of the Government are not very far apart except on questions of detail. Whatever view we may take of the recommendations of the Delimitation Committee, I think every one will agree that the Delimitation Committee has spent an immense amount of time and taken an immense amount of trouble in connexion with this Report, and I think that the thanks of the Government and of the House are due to Mr. Muthayya Mudaliyar and to the Members of the Committee and of the sub-committees who have given so much of their time to this very important work. ('Hear, hear.')

"I would just like to say one word on the constitution of the Delimitation Committee which has come in for a certain amount of criticism in certain quarters. The Delimitation Committee is, in a manner of speaking, a continuation of the Franchise Committee and therefore the Government thought it proper to continue as many members as possible of the Franchise Committee. At the same time, as

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it was a question of delimitation, it was necessary to have members representing all areas in the province as far as possible. So a few extra names were added or substituted, and among those members were three members who attended the Round Table Conferences at one time or another, as Government thought they had some special knowledge of the subject from the discussions before the Joint Committee.

"This matter of delimitation, I venture to think, is not purely a party matter in the sense that no party can tell how any scheme will work. One party may think that one scheme may suit their interests and another party may think that another scheme may suit their interests. . Speaking quite impartially, I am not sure that any scheme will suit any party. So I hope that the House will consider the various proposals on their merits. Both the advantages and disadvantages of the different schemes have been set out in the original memorandum put forward by the Government. I think it is generally agreed that this memorandum makes a pretty fair presentation of the pros and cons of the different schemes. (A Voice: 'Very well presented.') Any scheme that may be put forward will have both advantages and disadvantages and it is a question of taking what has the most advantages and what has the fewest disadvantages.

"Take for example the question of the single member constituencies and single non-transferable vote as against the plural or multi-member constituencies and the cumulative vote or the distributive vote. Sir, I agree that there is something to be said for any of these schemes, but the Government, after carefully weighing the pros and cons, have come to the conclusion that on the whole the single-member constituency system with single non-transferable vote is the best. In regard to other points I have to mention that the Government have still an open mind on questions of detail and would like to have the views of the House before coming to final conclusions.

4 p.m. "One point with regard to the report of the Delimitation Committee is that neither the views of that Committee, nor those of the Government, nor those of this House are final. It is the Hammond Committee that will decide this matter. It is for this reason that I regret that, while all other parties and interests have been represented on the Delimitation Committee, the Congress party on the back bench opposite thought fit to boycott the Committee though they were offered one seat on the General Committee and one seat on an important sub-committee. I think the reasons they have advanced for boycotting the Committee did not carry much weight. After all what was wanted on the Committee was that different interests and different views should be represented so that those views might be put before the Hammond Committee either on the lines of a report or in the form of minutes of dissent or in the form of a separate memorandum. I think it is a great pity that the Congress party neglected the opportunity of putting forward their views in the form of a minute of dissent if they disagreed with the main conclusions.

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“The next point that I would like to put before the House is the question of population as against voting strength. As regards the voting strength, the Government have certain provisional lists prepared in order to give some idea of what the voting strength would be, but since the preparation of these lists, it has been brought to the notice of the Government that the lists are very rough and ready and even more inaccurate than we anticipated, because we subsequently found that in many cases, especially in zamindari areas the registers on which the lists should be based were not up to date and even in some cases were non-existing. So the provisional lists cannot be considered in any way accurate or in some districts as giving a fair idea of the voting strength. I would therefore suggest to this Hon. House that it would be safer in considering the various points to proceed rather on the population basis because we do definitely know the population from the last census tables.

“There is another point regarding the Provincial Council. The Delimitation Committee felt themselves unable to make any recommendation because they had no provisional lists of voting strength. I think this was a reasonable position taken up by the Committee, because to form rather large constituencies for the Provincial Council, it was really unnecessary for them to know the voting strength. Government have now taken steps to have provisional lists prepared, but I regret they are not yet ready to be placed before the House. So, I would suggest that it is hardly worth while considering questions of seats for the Provincial Council except in a very general way.

“I would suggest finally for the consideration of this Hon. House that in the limited time at our disposal it would be better to consider the main principles rather than go into details of different constituencies or different districts. I know that every district would like to have more seats, but if you give a seat to one district, it means taking away another seat from another district. In fact it would mean ‘Robbing Peter to pay Paul.’ I would suggest that propositions of that kind would not be of much use. For instance take Cuddapah district. If one hon. Member were to say that this district ought to have an extra seat, unless that hon. Member suggests what other district is over-represented, it would be of no use. Still less is it of any use, I would suggest to this House, to press that individual communities should be allotted one or more seats. The distribution of seats between different communities has been settled under the Act of Parliament, and I do not think there is the slightest chance of altering the distribution of seats based on the Communal Award at this stage. Therefore, it would be, I think, a pure waste of time, if any hon. Member should suggest that any community should get more seats or that any community which has no seats at present should be specially allotted a seat.

“These are some of the points which seem to me that I can usefully put before the House before they begin the consideration of this very important subject.”

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The Hon. Mr. C. A. SOUTER:—"I second it."

* The Hon. the PRESIDENT:—"I think we will follow the usual procedure of putting this motion to the vote of the House before taking up the amendments."

"The question is that the Second Report of the Madras Delimitation Committee be taken into consideration."

The motion was put and carried.

* The Hon. the PRESIDENT:—"Before we proceed to discuss the amendments I should just like to inform hon. Members that we shall discuss this particular item of business the whole of to-morrow. Already as many as 14 amendments have been given notice of, each amendment containing several points and, as the Hon. House knows, several interests, communities, parties, groups, East Coast and West Coast—in fact everybody has to be allowed to speak on this particular item of business, I would request hon. Members to be brief as far as they can and thus enable other Members also to take part in the discussion. As the time allotted is only one day, we should be able to give opportunities to as many Members as possible in this House."

Mr. BASHEER AHMED SAYEED:—"Before you call upon the speakers to speak on this subject I wish to move that the discussion of this subject may be taken up to-morrow after question time (Voices 'why?' 'why'?)

"Sir, several of us did not expect that this motion would be reached at this stage and some of us, so far as I know, are not really prepared or ready to go on with the amendments, and as such we will not be able to contribute much to the discussion. So it will be convenient if the matter is taken up to-morrow and discussed, as by so doing, it will allow some time for us to prepare and be ready."

* The Hon. the PRESIDENT:—"As the hon. Member knows, to-morrow being Friday, one hour of the House will be cut off and if one hour to-day also is cut off, the time at the disposal of the House will be very much reduced. Personally I have no objection to postpone the discussion for to-morrow if that is the sense of the House. I may assure the hon. Member that the whole thing will be a general discussion."

Mr. K. KOTI REDDI:—"Sir, am I to move my amendment: Is it the idea?"

* The Hon. the PRESIDENT:—"He can move his amendment."

* Mr. K. KOTI REDDI:—"What I meant was this. When I gave notice of my amendment, I thought I would have an opportunity of discussing the whole report, and then try to move and speak upon my amendment."

* The Hon. the PRESIDENT:—"I may tell the hon. Member that he is not precluded from making his own observations on the whole report. At the same time he can also move his amendment."

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Mr. K. KOTI REDDI:—"Sir, I beg to move the amendment that stands in my name which is as follows:—

Add at the end the following:—

"and on such consideration this Council is of opinion that adequate representation should be accorded to the Ceded districts".

"Before I come to the general consideration of this subject, viz., the report of the Delimitation Committee, I would rather like first to put before this House why I feel that representation given to the Ceded districts is not adequate. I know there is a feeling here that the representation now given to the Ceded districts is adequate. I am quite glad and thankful that the Delimitation Committee considered that the representation given to the Ceded districts according to their original proposals was not quite adequate and in their subsequent proposals have been kind enough to allow two more seats to the Ceded districts. But I would point to the Council and the Government that if they kindly wanted to show some special consideration to the Ceded districts, on account of special circumstances, they will find that the representation now given to the Ceded districts is not more than what was really due to them, even on mere population basis, apart from special circumstances.

"I am afraid both the Government and the Delimitation Committee have overlooked one important fact. In assigning seats to the various districts certain vital considerations ought to have been taken into account. One of those considerations is the fact that certain territorial areas have some special problems, the solution of which requires adequate representation of their interests in the Council."

4-15
p.m.

(At this stage the Hon. the Deputy President took the Chair.)

* Mr. K. KOTI REDDI:—"One such group of districts is the Ceded districts of Cuddapah, Kurnool, Bellary and Anantapur. They are very backward. On the ground of their backwardness, on a previous occasion the Hon. the late Raja of Panagal deprived the people of Cuddapah of the right and privilege of electing their own district board president. If the backwardness of these districts could be assigned as a reason for depriving the people of the power and privilege of electing their own district board president, I now submit that it would not be unfair if I now claim that for that very reason the Government should show very special consideration in the matter of the allotment of seats in the Council. From the point of view of backwardness in education, lack of communications, poverty and sparseness of population, the Ceded districts ought to be shown special consideration. The Committee themselves, in their second report at the end of paragraph 5, admit that there are special considerations why the Ceded districts should be given more seats than their population would warrant. I maintain that the Government and the Committee have made a great mistake in taking

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population as almost the only basis. But by that I do not mean that the Government should take the number of voters as the basis, especially when they themselves have admitted that the lists of voters have not been prepared properly. I also know that the lists have not been prepared properly. But as between the population basis and the voters basis I would prefer the population basis as the voters' lists have not been prepared properly. Again, Sir, so long as adult franchise is not introduced, I do not see why population alone ought to be taken into account in assigning seats. If adult franchise is introduced, then population may be the chief consideration; otherwise it should not be. Even after the introduction of adult franchise there are considerations like the backwardness of certain areas, the sparseness of population and so on which would make it wrong to adopt the population as the only basis. I do not know how the Committee and the Government have come to the decision of relying mainly on the population basis. His Majesty's Government in their letter to the Central Delimitation Committee have not laid any emphasis on population, nor even referred to it. They have said:

'As regards the delimitation of territorial constituencies, His Majesty's Government, while they are content to leave to your Committee a wide discretion in matters of detail, are anxious that you should make it your general aim to ensure, as far as the conditions permit, the maximum degree of contact between the candidates and the electors and the convenience of both, due regard being had to administrative needs, the ideal to be aimed at being constituencies manageable in area, in number of voters and in physical characteristics.'

"Nothing is mentioned here about population. But except for slight departures in one or two districts, population has been the only basis considered both by the Government and the Delimitation Committee. The letter of His Majesty's Government does not say a word about population while there are many other things on which they have rightly laid emphasis. If His Majesty's Government and Parliament have thought it necessary to increase the number of members both in the Provincial and Central Legislative bodies, it is because they thought that if the numbers were retained as they were, the constituencies would be so large that there would be very little contact between the member and the voters in each constituency. But although the number of members has been considerably increased, we in the Ceded districts have not got any benefit out of it. Cuddapah is at present represented by two members and even after the large increase in the total number of members, our position is not in any way better so far as facilities for contact between members and voters are concerned. Only one revenue division is separated, but the other revenue divisions form one constituency, which is as large as a district. Therefore I do not think there has been any improvement in the position of Cuddapah and the other Ceded districts so far as that aspect is concerned. In assigning seats elsewhere in the Presidency, and in assigning seats to the scheduled castes, both the Government and the Delimitation Committee proceed on the basis that it is better to have small constituencies so that the members may have better contact with the voters. I ask

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why not the same consideration be shown in the case of the Ceded districts. Should we not claim at least one member for each revenue division? Most of the revenue divisions in Ceded districts are clubbed together for the sake of forming constituencies. I therefore hope that the Government would see that so far as the general seats are concerned (excluding the scheduled castes' seats) one revenue division should be represented at least by one member, and avoid the necessity to club two revenue divisions for the purpose of assigning a seat to the scheduled castes. Kurnool has only two general seats; Cuddapah also has only two general seats excluding the seat assigned to women. In Kurnool two revenue divisions are clubbed together for forming each of the constituencies. It seems to me to be unjust and unfair to do so.

"If we are going to take into account the opinion expressed by His Majesty's Government in their letter to the Central Delimitation Committee, I am certain that the Ceded districts should be represented by at least five more members. When elections are fought on the party system in the future, it does not matter whether one district is represented by ten members and another district is represented by two or three members, for the general consensus of opinion in each district will be the same towards the parties. Therefore no harm will be done to the other districts on account of a few more seats being given to the Ceded districts. The area is so large that if it is the desire of the Government that there should be actual contact between the candidate and the voter, the constituencies should be reduced to manageable proportions by allotting a few more seats. Unhappily, Sir, it is the impression both of the Government and of the Delimitation Committee that we are adequately represented. On the face of it, it looks as though we are getting a little more representation than is our due on a strict population basis. But the Government and the Delimitation Committee have forgotten one thing. If the Presidency is divided into various territorial groups on account of special considerations, such as the Ceded districts, the East Coast, the West Coast and the Central districts, we as a group ought to be assigned our proper share in the number of seats allotted to the whole Presidency. Now the whole Presidency is represented by 215 members. What is our proper share according to population basis? The four districts have according to the Government memorandum a population of 3,994,543 and as such they will be entitled to $3,994,543 \times 215$ divided by 44,118,348 (population of the Presidency), i.e., 19.5 or roughly 20 seats. And that is exactly the number that has been allotted to us after so much consideration and after, what the Delimitation Committee have thought they have shown consideration to the special circumstances in the Ceded districts. What we have got is what was exactly due to us on population basis and no special consideration has been shown on account of special circumstances.

"What has been done in assigning the seats to districts is to take into account only the general seats, viz., 190. I ask, Sir, what about the seats assigned to Anglo-Indians, Europeans, Backward Areas, Commerce and Industry, Mining, Landholders, University and Labour?

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The Ceded districts have no chance at any time of getting any one of these seats. The figures in the memorandum clearly show that we have no such chance at all. To illustrate what I mean: There are no doubt a few Anglo-Indian voters in the Ceded districts, but their number is insignificant when compared to the total Anglo-Indian population in the Presidency, viz., 152 out of 8,533. Under the circumstances, what the Government and the Delimitation Committee ought to have done is this. They ought to have taken all the 215 seats into account and divided them on a territorial basis allotting the quota to each district or group of districts. After such distribution, if any district or group of districts has a decent chance of getting one or more of these special seats assigned to Commerce, Industry, Labour, Landholders, etc., the number of general seats assigned to such territory or district should be reduced accordingly. Now that the Ceded districts have no chance of getting any of those special seats, I do not see any reason why we should be deprived of our proper share of seats according to the territorial basis I pointed to above. Even to-day we have so many special problems peculiar to our district, such as famine relief, backwardness in education, irrigation projects and so on and if we have to bring to the notice of the future Assembly the nature of those problems and press them to a satisfactory solution, we ought to have our proper share of representation in the Assembly according to, not mere population basis but special territorial considerations.

4-30
p.m.

“ As I pointed out, if you take only the population into account, the Ceded districts should get 19 and odd seats or 20 seats. There is not the slightest chance of any landholders' constituency being represented by a voter from the Ceded districts. There are only 2 or 3 voters in the Ceded districts out of about 200 voters for the landholders' constituency. The Ceded districts will have no chance of getting the labour seats, because there are no voters at all. With regard to the University seat, the number of graduates in the Ceded districts is very few compared with those in the rest of the Presidency. The number of members of the Senate or Syndicate also is very small. Therefore there is not the slightest chance of the University seat being filled by a person from the Ceded districts. So with Commerce, etc. Therefore what I suggest is: you take the Ceded districts as a territorial unit; take the population into consideration and assign the seats to the Ceded districts out of the 215 seats: So with other districts. If, for instance, East Godavari has a fair chance of getting a zamindari seat and if it has got on the above basis 7 or 8 seats, you had better cut off one of the general seats. We have not been shown any special consideration at all either by the Delimitation Committee or by the Government. The Government have forgotten this point perhaps; or their attention has not been drawn to it. They have taken only 190 seats as general seats and made the distribution. If you take all the 215 seats into consideration, the Ceded districts would get even on mere population basis the seats now allotted to them. The Delimitation Committee are of the opinion that special consideration should be shown to the Ceded districts. I plead

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that the Ceded districts ought to be adequately represented. According to the present proposals, Cuddapah gets 4 general seats including the women's seat; so also Anantapur; so also Bellary. It is Kurnool that gets only 3 general seats. If you take the population into account, if you take other considerations into account, except for small differences all these four districts stand more or less on the same footing. If you cannot do anything more, if you cannot give more seats to the Ceded districts as a whole, at least Kurnool must get one seat more. You have given one seat to Markapur and Nandyal divisions. Again two divisions (Kurnool and Dhone) have been clubbed together and they get one general seat and one scheduled caste seat. If you give one more seat to the Kurnool district, each division will get one seat each. I plead again that each revenue division ought to be represented by one member. That is not the case now in the Ceded districts. . . "

Mr. BASHEER AHMED SAYEED:—"Wherefrom you will take that seat? "

* Mr. K. KOTI REDDI:—"I can make a number of suggestions if necessary. I have to make some more general observations. With regard to the women's seat, I am glad to find that instead of assigning it to the Cuddapah division as originally proposed, it was assigned to the Rajampet division. It is much better on account of various considerations. It was pointed out by a memorandum submitted to the Government that, as between Rajampet and Cuddapah divisions—the number of women voters in the former division was more. Again from the point of view of the general population and of voters both male and female, Rajampet scores as against Cuddapah. Besides, there is one vital consideration which I think should be taken into account and it is this: Jammalamadugu and Cuddapah are clubbed together for assigning the scheduled caste seat. If the women's seat also is assigned to Cuddapah division, the voter in Cuddapah division has the advantage of voting for 3 members; whereas the voter in Rajampet division has the advantage of voting for only one member. There will be much confusion if a large number of candidates contest the elections. We do not know whether the Central Delimitation Committee would approve of the proposal of the Madras Government that the scheduled caste candidates who come in through the primary election will have the chance of withdrawing. If that is not done, there will be at least 4 scheduled caste candidates for every constituency. If you have 2 or 3 women candidates also, there will be much confusion. I think this is the only instance in the whole Presidency, where a scheduled caste seat was assigned to a constituency which has to return a lady member also. I think it was an oversight and I am glad the Committee had corrected the mistake. If you take the territorial units into consideration, I once more repeat that what was assigned to the Ceded districts is not more than their due even on the population basis. I think the Government are eager to show some special consideration to the Ceded districts. I hope the Government will see its way to recommend 5 more seats to the

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Ceded districts—one seat to each of the four districts and one seat more to the Kurnool district. If that cannot be done for any reason, it is necessary that Kurnool at least should get one seat more, so as to equalize the share of each of the districts.

“As to where that seat or seats are to be taken from, I shall make some general suggestions. I feel that the urban representation is more than what is due to urban areas. It is stated that the town population is ordinarily a little more educated, more enlightened and it should have a little more representation than what is its share. On that principle one or two seats more than what is due on the population basis can be given to the urban population. The urban population is at present over-represented. You take the Muhammadan seats; they are supposed to be representatives of rural areas. But if you take the Muhammadan voters into account, you will find that a very large majority of them are living in municipal areas and in big towns. In Malabar it may not be so; but in the case of other districts, it is so. Though you call them rural seats, really they are urban seats. When there is conflict of interest, they will surely vote in favour of urban interests as against rural interests. You can therefore reduce the representation for the urban population. In districts where you have given representation for special interests, there you can reduce the number of general seats. One seat can easily be taken from the urban seats now allotted. I do not want to suggest any particular district from which a seat should be taken; of course I can do so, but I do not want to as it can be done on some principle. Take Madras for instance; Madras is over-represented, particularly, if you take into account its fair chance of securing, labour, commerce seats, etc. Because it is a metropolitan city, Madras is given more representation. Is that a ground on which inordinate representation should be given to Madras? Representation can be worked out on a fair basis. It is not fair that towns should be over-represented. Again ladies ought to get only one urban seat; they are now getting 5 urban seats, one in Malabar, one in Tinnevely and Palamcottah and one in East Coast and two in Madras. You may say they are special seats, but they represent towns as well.

“I now come to the general consideration of the report; I think a lot of changes have to be carried out in spite of immense care bestowed on it. Some vital considerations have not been taken into account by the Delimitation Committee. If it is the opinion of the Government and the Committee that there ought to be very small areas so as to make them manageable, that principle should be applied in all cases. If that principle is applied, Ceded districts ought to have more representation. If the Government and Committee cannot apply that principle throughout the whole Presidency, why should they stick up to single-member constituencies? Whatever advantage there may be for a few individuals to have small single-member constituencies, I think it is not desirable to have them. When party system is developed on

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the right lines, when voters become more enlightened, I think it is much more desirable that we should have as large a constituency as possible from many points of view. I think the time is come to have a sound party system; it has already come; I do not agree with my hon. Friend Dr. Subbarayan and two others who have said that organized parties have not come into existence in this country. I am absolutely certain that, when we go before the country during the next general elections, there will be only two parties and no more. There would be the Congress Party on the one side and the Justice Party on the other. They are practically the only two organized parties, I think. It is considered by the Government themselves that the Congress Party is well organized; and I am sure steps are being taken by the leaders of the Justice Party to well organize their party too. So, during the next elections, it will only be a question of parties, and not of persons. And if constituencies consist of large areas, there will be people throughout those areas, belonging to both these parties who will be able to come into close contact with the whole electorate and influence them. I do not therefore see any reason why the area should be small. Sir, I have myself sufficient experience of these elections, and I am of opinion that it is always better to have a large area, because some of the evil influences which we see existing in small areas will not exist in bigger areas. For instance, if the voters in an area are too many, it will not be possible so easily to corrupt them as in a small area, such as a local board. If the area is small and consequently if the number of voters is small, there is always the possibility of their being influenced by means other than proper and fair. On this ground alone, I won't mind if even a whole district is formed into one constituency; if that is not possible, at least two or three divisions should be grouped together into one constituency and it should be made not a single-member or double-member constituency but a multi-member constituency.

4-45
p.m.

"Again, Sir, even amongst the Hindus and among the non-Brahmans, there are many small influential sub-communities who, if the area is small, would always try to use their communal and sub-caste influences to get a man of their own community or sub-caste elected, as against a better and more highly qualified candidate. If however the area is large, the opportunities for such communities to monopolize the seats will not be great; at any rate, the other communities would try to join together as against that particular community which tries to monopolize the seat, and break the monopoly as early as possible. It is therefore much better in the interests of the country, in the interests of the better organization of parties and in the interests of the voters themselves that we should have bigger areas constituting multi-member constituencies.

"Coming now to the system of voting, Sir, I cannot claim to have studied the systems now prevailing in the various countries; but I have some knowledge of that which is in vogue in our own Presidency. This

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system, in my opinion, has worked very satisfactorily, and I do not see any reason why it should not continue. In a single-vote system each voter will have only one vote. If you take a double-member constituency where you have a reserved seat for the depressed classes, what will happen? It is most likely that the depressed classes will vote for their candidates alone; and the other communities may join together and vote against the depressed class nominee. Apart from that, if two candidates are working jointly, there will be at the last moment, an anxiety to get in even at the cost of the other candidate and thus unduly influence voters; and when they are both opposed by two other candidates on party lines, it will be a very difficult process to calculate as to how many votes should be polled in favour of the depressed class candidate and how many in favour of the other, so that both may succeed. Each party would like to be sure of one man at least getting in, rather than trying to succeed in respect of both and lose both. By way of illustration, suppose the Justice Party puts in two candidates and the Congress Party two. Either party may be willing to make sure at least of one candidate being returned. In such cases, each party would try to influence the voters to concentrate on one candidate of their party. My fear is that such calculations will come into play at the last moment, at the cost probably of a more desirable candidate. These things can be easily avoided by having a distributive system of voting. The Government seem to consider that at the time of polling, there will be great loss of time if we adopt the distributive voting. In my opinion, there need be no such difficulty. When a voter goes into the polling booth, he is well aware as to whom he should vote for; and therefore there cannot be much waste of time in the booth itself on the part of the voter in choosing his candidate. As I said, in the case of the single voting, communal influences will play great havoc.

“Further, the object of the Poona Pact will be completely lost if we adopt this single-vote system. Mahatma Gandhi and the other leaders of the caste Hindu communities agreed to an increase in the number of depressed class seats, with a view to bring about a saner influence among the communities, so that the caste Hindu had to go to the depressed classes for votes as much as the depressed classes candidate goes to the caste Hindus for their votes. Unless the Adi-Dravida voter has two votes, one of which he can give to his own community man and the other to the caste Hindu man, there can be no direct contact between the depressed class Hindu and the other Hindus. Therefore I say that if the spirit of the Poona Pact is to be carried out, we must have the distributive system of voting. Besides, there is no need for primary election. Mahatma Gandhi, as we all know, was prepared to die to bring about this saner influence, and it is up to us to continue the spirit underlying the Poona Pact.

“Once more, Sir, I appeal to the authorities to see that the rural areas are given their proper share of representation in the Councils. I have been always fighting in this Council for rural interests. The

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number of representatives coming from the rural areas ought to be in proportion to the population in those areas, and this important point has been lost sight of by the committee. The representation given to Muhammadans is more urban than rural, and I hope that the authorities will see to it that the number of seats now assigned to towns is reduced and more seats are given to rural areas, especially for the rural areas of the Ceded districts.

“ Finally, Sir, with regard to . . . ”

* The Hon. the DEPUTY PRESIDENT:—“ May I know how long the hon. Member is likely to take to finish his speech? ”

* Mr. K. KOTI REDDI:—“ I shall take about five or ten minutes, to-morrow, Sir.”

The House then adjourned to meet again at 11 a.m. the next day.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

^a 1. *Return of officers under the Government of Madras who held temporary, acting, or probationary appointments on the 1st April of each of the years 1924 to 1935.*

^a 2. *Return of officers under the Government of Madras who held permanent appointments on the 1st April of each of the years 1924 to 1935.*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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APPENDIX I.

[Vide answer to question No. 322 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 234 supra.]

Statement of the units sold in municipal areas, Salem and Erode.

Month.	1932.		1933.		1934.		1935.	
	Total consumers in Municipal area in Salem.	in Consumers Municipal area in Erode.	Total consumers in Municipal area in Salem.	in Consumers Municipal area in Erode.	Total consumers in Municipal area in Salem.	in Consumers Municipal area in Erode.	Total consumers in Municipal area in Salem.	in Consumers Municipal area in Erode.
January	..	..	19,857	1,844	33,512	4,963	41,844	4,087
February	236	..	19,074	1,144	29,961	2,688	38,236	4,139
March	1,299	..	21,951	1,260	33,827	8,156	54,366	4,403
April	4,132	..	24,148	1,413	35,309	7,492	57,764	5,189
May	10,638	..	27,052	2,244	37,997	6,354	58,859	4,983
June	14,168	511	28,977	4,430	37,249	4,971	57,055	4,489

APPENDIX II.

[Vide answer to question No. 331 asked by Mr. V. Nadimuthu Pillai at the meeting of the Legislative Council held on the 31st October 1935, page 243 supra.]

Letter from the Secretary to the Government of Madras, Public Works and Labour Department, to the Secretaries, the Tanjore District Delta Mirasidars and Landowners' Association, Mayavaram, dated 13th September 1935, No. 2783-D/35-4.

[Irrigation—Tanjore delta—Shortage of supply of water in 1935. Reference.—Correspondence ending with your letter to the Revenue Secretary, dated 29th August 1935.]

I am directed to state that the Government have enquired into the questions raised by you and find that the normal quantity of water was not sent down to the delta at first as the level in the Stanley reservoir at the beginning of the season was very low owing to the poor rainfall in the previous north-east monsoon. The occurrence of slips in several places in the low-level channel about the middle of July also interfered with supply for a few days. The necessary repairs were carried out with the utmost expedition and the maximum supplies permitted by the water-level in the Stanley reservoir were thereafter maintained. At a later stage in the latter part of August issues were restricted for a few days as there was heavy rain in the delta and risk of flooding. Towards the end of August there was a breach in the high-level channel and as a result issues had again to be restricted. The repair of this was taken up at once and presumably by this time conditions have returned to normal.

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I am to add that Government have arranged to keep the hydro electric pipes open, though they should have been closed finally at the beginning of August to enable work to begin on the foundations of the electric power house. By doing this they are throwing back the Mettur Hydro-Electric programme by two or three months to let the delta have the benefit of the additional few thousand cuses that can be discharged through the hydro-electric pipes. They have therefore done everything in their power to overcome the difficulties resulting from a low reservoir and slips in the supply channels.

As regards the complaint regarding the raising of sill levels of channels under the remodelling system I am to enclose an extract of the report of the Chief Engineer on the subject.

ENCLOSURE.

Extract of paragraph 15 of the Chief Engineer for Irrigation's letter No. 3417/35 B-2, dated 16th May 1935.

* * * * *

15. The complaint is that in many cases, the sills are placed so high that when a small quantity of water is flowing in the river it does not rise above the sill. There may be a few cases where the sills might have been fixed too high and instructions were given even last year during my inspection of the delta to re-examine cases of real hardship. In all properly designed channels, the sluices in the several reaches excepting the tail reach should have their sills a little above the bed of the channel, in order to enable a proportionate supply to be carried down to the tail-end of the channel during times of shortage. Otherwise it will be only the upper sluices that will be drawing all the water and the sluices at the tail-end will not receive any supply. The arrangements made for raising the sills of old sluices and putting in silt shutters is a first step towards securing a more equitable distribution of water over the whole length of the rivers in the delta. The very fact that kuruvai seed-beds were sown in the proper season all over the usual places where kuruvai is grown in the delta and even at the tail reaches of the several rivers would show that the initial supplies given are adequate to give proportionate supplies required for all the preliminary operations and that the silt shutters did not really hinder the low supplies from being utilized at the various sluices. Later on however when transplantation of kuruvai was started there was difficulty in forcing the water to the tail reaches; when the steady supply from Mettur was interrupted on occasions due to the necessity for repairing the slips in the low level channel. This is due to the system of raised sills not having been stabilized as yet and the action of the upper ryots in tampering with the silt shutters and not to the principle of having raised sills being a wrong one. On the 3rd August the Settlement Commissioner and myself inspected the tail-end of Rajamadam Branch No. 21 under the Grand Anicut Canal system, near Rajamadam close to the sea coast. In spite of the fact that only proportionate supplies were being sent down the Rajamadam Branch canal and the distributary No. 21 and not the designed full supply, a fair quantity of water was reaching the tail-end. On a full consideration of the whole question, I am decidedly of opinion that the system of silt shutters and raised sills is a badly wanted improvement in the delta and that the ryots will in time learn to appreciate the benefits of it.

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APPENDIX III.

[Vide answer to question No. 334 asked by Mr. V. Nadimuthu Pillai at the meeting of the Legislative Council held on the 31st October 1935, page 244 supra.]

Extract from the Chief Engineer's report, dated 16th August 1935.

* * * * *

The complaint is that in many cases the sills are placed so high that when a small quantity of water is flowing in the river it does not rise above the sill. There may be a few cases where the sills might have been fixed too high and instructions were given even last year during my inspection of the delta to re-examine cases of real hardship. In all properly designed channels, the sluices in the several reaches excepting the tail reach should have their sills a little above the bed of the channels in order to enable a proportionate supply to be carried down to the tail end of the channel during times of shortage. Otherwise it will be only the upper sluices that will be drawing all the water and the sluices at the tail end will not receive any supply. The arrangements made for raising sills of old sluices and putting in silt shutters is a first step towards securing a more equitable distribution of water over the whole length of the rivers in the delta. The very fact that kuruvai seed beds were sown in the proper season all over the usual places where kuruvai is grown in the delta and even at the tail reaches of the several rivers would show that the initial supplies given are adequate to give proportionate supplies required for all the preliminary operations and that the silt shutters did not really hinder the low supplies from being utilized at the various sluices. Later on however when transplantation of kuruvai was started there was difficulty in forcing the water to the tail reaches when the steady supply from Mettur was interrupted on occasions due to the necessity for repairing the slips in the low level channel. This is due to the system of raised sills not having been stabilized as yet and the action of the upper ryots in tampering with the silt shutters and not to the principle of having raised sills being a wrong one. On the 3rd August the Settlement Commissioner and myself inspected the tail end of Rajamadam branch No. 21 under the Grand Anicut Canal system near Rajamadam close to the sea coast. In spite of the fact that only proportionate supplies were being sent down the Rajamadam Branch canal and the distributary No. 21 and not the designed full supply, a fair quantity of water was reaching the tail end. On a full consideration of the whole question I am decidedly of opinion that the system of silt shutters and raised sills is a badly wanted improvement in the delta and that the ryots will in time learn to appreciate the benefits of it. * * *

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APPENDIX IV.

[Vide answer to question No. 347 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 251 supra.]

Serial number and name of local fund district.	Total number of panchayat boards.		Serial number and name of local fund district.	Total number of panchayat boards.	
	Non-unions.	Pre-unions.		Non-unions.	Pre-unions.
1 Chingleput	346	19	16 Bellary	135	21
2 Coimbatore	135	17	17 Cuddapah	58	13
3 Arcot, North	831	21	18 Chittoor	198	10
4 Arcot, South	217	18	19 Ganjam	16	12
5 Madura	99	31	20 Godavari, East ..	266	16
6 Malabar	22	3	21 Godavari, West ..	269	20
7 The Nilgiris	31	..	22 Guntur	289	12
8 Salem	482	37	23 Ongole	327	14
9 South Kanara	137	..	24 Kurnool	53	15
10 Tanjore, East	208	9	25 Kistna	113	19
11 Tanjore, West	180	16	26 Nellore	172	11
12 Tinnevely	68	30	27 Vizagapatam	13	10
13 Trichinopoly	249	19	28 Bobbili	11	9
14 Ramnad	151	31			
15 Anantapur	146	13	Total	5,222	

APPENDIX V.

[Vide answer to question No. 348 asked by Subadar-Major S. A. Nanjappa Bahadur at the meeting of the Legislative Council held on the 31st October 1935, page 252 supra.]

Name of District Panchayat Officer.	Community.	District Board to which first appointed.	District Board under which the officer is now serving.
M.R.Ry. L. Madhava Reddi ..	Non-Brahman (Hindu).	Anantapur ..	Anantapur.
" B. Rajagopal Nayudu ..	Do.	North Arcot ..	Coimbatore.
" C. Sundaresa Mudaliyar.	Do.	South Arcot ..	Salem.
" V. Ponnambalam ..	Do.	Do. ..	South Arcot.
" N. G. Reddi ..	Do.	Bellary ..	Bellary.
" P. K. Pushparaj (Resigned).	Scheduled class.	Chingleput ..	
" S. J. Dhanasingh ..	Do.	Do. ..	North Arcot.
" T. A. Narasa Reddi.	Non-Brahman (Hindu).	Guntur ..	Chingleput.
" K. Narasimhamurti.	Do.	Chittoor ..	Chittoor.
" T. Govindarajulu Nayudu (Probation terminated).	Do.	Coimbatore ..	
" C. Appi Reddi ..	Do.	Cuddapah ..	Cuddapah.
" C. Narasimham (Appointed as Commissioner).	Do.	Ganjam ..	

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Name of District Panchayat Officer.	Community.	District Board to which first appointed.	District Board under which the officer is now serving.
M.R.Ry. Y. Guru Reddi ..	Non-Brahman (Hindu).	Ganjam ..	Ganjam.
„ R. S. Parthasarathi Rao (Appointed as Commissioner).	Do.	East Godavari ..	
„ C. Raghupathi Rao Nayudu.	Do.	Do. ..	Guntur.
„ B. Ravindranath ..	Do.	Do. ..	East Godavari.
„ A. Ramachandran ..	Brahman ..	West Godavari ..	Kistna.
„ K. Visvanathan ..	Non-Brahman (Hindu).	Do. ..	West Godavari.
„ V. A. Adinarayana Reddi.	Do.	Kistna ..	Bobbili.
„ K. Ramakrishnayya.	Do.	Kurnool ..	Kurnool.
Rao Sahib R. Lazarus ..	Indian Christian.	Madura ..	Madura.
„ T. S. Minakshisundara Mudaliyar.	Non-Brahman (Hindu).	Ramnad ..	Ramnad.
„ V. Sobhanadri Rao Nayudu.	Do.	Salem ..	Vizagapatam.
„ C. Kadirvelu Mudaliyar.	Do.	Tanjore ..	West Tanjore.
„ T. M. Ramaswami ..	Do.	Trichinopoly ..	Trichinopoly.
„ C. Vengala Rao Nayudu (Appointed as Commissioner).	Do.	Vizagapatam ..	
„ C. T. Vurgese ..	Indian Christian.	South Kanara ..	Malabar.
Mr. H. H. Schamnad ..	Muhammadan ..	Malabar ..	South Kanara.
Mr. Ghouse Mohideen Sahib ..	Do. ..	Nellore ..	Nellore.
M.R.Ry. M. C. Balakrishna ..	Non-Brahman (Hindu).	Tinnevelly ..	Tinnevelly.
Mr. C. Ramanathan (Officiating).	Do.	Kistna ..	Ongole.

APPENDIX VI.

[Vide answer to question No. 351 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 256 supra.]

G.O. No. 3139, L. & M., dated 9th August 1932.

READ—the following papers:—

I

G.O. No. 12, L. & M., dated 6th January 1931.

G.O. No. 346, L. & M., dated 2nd February 1931.

G.O. No. 887, L. & M., dated 16th March 1931.

II

From the Inspector of Municipal Councils and Local Boards, dated the 2nd March 1932, R.O.C. No. 7705-C-1-32.

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Order—No. 3139, L. & M., dated 9th August 1932.

The Government have had under their consideration the question of the appointment by district boards of panchayat officers under section 68 of the Madras Local Boards Act, 1920. This section provides that every district board shall, if so required by the Government, sanction a post of district panchayat officer. In G.O. No. 887, L. & M., dated the 16th March 1931, the Government intimated to all district boards that they did not then intend to take action under the above section, but that they had no objection to the appointment by the district boards of competent persons on a pay not exceeding Rs. 200 per mensem, for work connected with the formation and supervision of panchayats, provided that the appointments were made on a temporary basis and that the officers were not designated district panchayat officers. In accordance with these orders, several district boards have sanctioned the appointment of temporary district panchayat organizers in their districts.

2. The Inspector of Municipal Councils and Local Boards has now urged upon the Government the desirability of taking early steps for the appointment of district panchayat officers. He points out that for want of an effective agency to guide and supervise the work of panchayats on the spot, many of these bodies are not functioning satisfactorily. The Government agree with the Inspector that some direction and control on the spot is essential for the successful working of the panchayats. All district boards except those of Ganjam, Vizagapatam, Kurnool and the Nilgiris are accordingly now permitted to appoint district panchayat officers in their districts.

3. The Government consider that a scale of Rs. 150—10—200 will be suitable and accordingly commend the scale to all district boards for adoption. There is no objection to these officers being designated as district panchayat officers. Persons appointed as district panchayat officers should possess the minimum general educational qualification prescribed in Article 1 of the Public Service Notification and if they have not already passed the Account Test, they should pass it within a year of their appointment. It may be found advantageous in some places to appoint retired officials to these posts.

4. The pay of the district panchayat officers should ordinarily be met from the general funds of the district boards. The Government, however, recognize that during the present financial stringency some of the district boards may not be in a position to meet this new expenditure from their general funds. In such cases the Government will be prepared to allow the debit of the pay of the district panchayat officers to the Village Development Fund, subject to the concurrence of the Village Development Fund Committee. All other expenditure such as travelling allowance and the cost of the clerical and menial staff, if any, employed under the district panchayat officers should be met from the general funds of the district boards.

5. The Inspector of Municipal Councils and Local Boards has also suggested the appointment of Assistants to District Panchayat Officers

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in districts where the number of panchayats is one hundred or more at the rate of one for each taluk having more than 50 panchayats. The Government consider that this question may be left to the district and taluk boards concerned.

6. All presidents of district boards, except Ganjam, Vizagapatam, Kurnool and the Nilgiris are requested to report not later than the 1st October 1932 the action taken by the boards on these orders.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Presidents of District Boards, except Ganjam, Vizagapatam, Kurnool and the Nilgiris.
„ the Inspector of Municipal Councils and Local Boards.
„ the Examiner of Local Fund Accounts.

APPENDIX VII.

[Vide answer to question No. 352 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 257 supra.]

Name of municipality.				Population as per 1931 census.	Total income—Ordinary (under all heads)—according to the budget for 1935-36.
					RS.
Walajapet	..	..	..	11,102	60,650
Chicacole	..	..	..	16,588	69,755
Bimlipatam	..	..	..	9,629	39,553

APPENDIX VIII.

[Vide answer to question No. 353 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 257 supra.]

G.O. Ms. No. 3655, L. & M., dated 9th September 1935.

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to appoint M.R.Ry. K. Sanyasi Raju Garu, B.A., B.L., Secretary, Vizagapatam District Board, as the Commissioner of the Vizagapatam Municipality, on a salary of Rs. 400 per mensem in the scale of Rs. 300—25—500 and a conveyance allowance of Rs. 40 per mensem

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subject to the maintenance of a motor car. The pay and allowance of the officer as also the contribution towards his leave allowances and provident fund will be paid out of the funds of the municipality.

2. The President, District Board, Bobbili, is requested to relieve Mr. Sanyasi Raju on the afternoon of the 11th September after the election of the president is over.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To the Chairman, Municipal Council, Vizagapatam.
 „ Collector of Vizagapatam.
 „ President, District Board, Vizagapatam.
 „ President, District Board, Bobbili.
 „ Inspector of Municipal Councils and Local Boards.
 „ Revenue Department.
 „ Examiner of Local Fund Accounts.

Copy to the nominee through the President, District Board, Vizagapatam.

APPENDIX IX.

[Vide answer to question No. 363, asked by Mr. V. M. Ramaswami Mudaliyar at the meeting of the Legislative Council held on the 31st October 1935, page 265 supra.]

*Letter from the Collector of North Arcot, dated 5th June 1935,
R.O.C. No. F-4-4742/35.*

There are two entrances to the Vellore Fort, one on the east and the other on the south. The eastern entrance is the main entrance into the fort, while the other on the south is a footway (Sally Port) which crosses the moat on a stone causeway.

2. The Principal, Police Training School, Vellore, requested in 1931 that the Sally Port entrance to the Vellore Fort might be closed on the ground that loafers and other undesirables entered into that part of the police parade ground used for bayonet fighting and lathi drill and committed nuisance of one kind or another. The Superintendent of the Sub-Jail, Vellore, also complained about undesirables getting up the walls of the sub-jail and damaging them if the entrance was kept open. Mr. Vellodi saw no objection to the closure of the entrance and since then (1931) the footway is kept closed.

3. I considered the question of reopening the footway to the fort in October 1934 and decided not to reopen it. In January 1935, the Commissioner, Municipal Council, Vellore, requested me to arrange

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for the reopening of the entrance. He was informed that the matter was considered and dropped and that there was no need to reopen it. The present Principal, Police Training School, Vellore, wrote to the Executive Engineer, Vellore, on the 1st March 1935 that he agreed with the objections raised by his predecessor in regard to the opening of the entrance. Hence on a further reference from the Commissioner, Vellore Municipality, he was informed in April 1935 that, as already intimated to him in January last, there was no need to reconsider the proposal to reopen the Sally Port entrance to the fort. At the instance of the Council, the Commissioner has now approached the Board.

4. I consider that the objections raised by the Principal, Police Training School, Vellore, with regard to the opening of the southern entrance have some force and that no great inconvenience will be felt by the public by the closure of the entrance in question.

